



KANE COUNTY, UTAH GENERAL PLAN

For the Physical Development of the Unincorporated Area
Pursuant to Section 17-27a-403 of Utah State Code

Amended August 2018

Should any part of the Kane County General Plan be determined invalid, no longer applicable or need modification, those changes shall affect only those parts of the Plan that are deleted, invalidated or modified and shall have no effect on the remainder of the General Plan.

This document was prepared under the guidance and direction of the Kane County Resource Development Committee, Kane County Land Use Authority, Planning and Zoning Commission and the Board of County Commissioners.

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Preamble

In order to provide for the health, safety and general welfare of both residents and visitors of Kane County, the Kane County Board of Commissioners hereby adopts the following General Plan which outlines goals and policies for unincorporated land use, transportation and access management, conservation of natural resources, protection against natural and human-caused hazards, provision of public services, preservation of historic resources, development of the economic base, accommodation of affordable housing, and partnering with federal and state land management agencies.

Acknowledgments

Every effective planning process includes a multitude of individuals if it is to be successful. This effort is no different. Many individuals have had an impact on the preparation and adoption of this Plan. However, most important are the residents of Kane County, who have responded to surveys, interviews, and attended public meetings and hearings. All who did so should be commended for their desire to be a participant in determining the future of the county. Some specific individuals and groups have had intensive involvement in the Kane County planning process, and are acknowledged below:

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Vision Statement

Kane County, Utah is a land of contrasts. It has 3,992 square miles of land and 138 sq. miles of water¹ extending from the sandstone deserts of Glen Canyon and Lake Powell to the 10,000 foot high alpine meadows of the Paunsaugunt Plateau. Lack of precipitation and difficulty of access has resulted in a land use pattern which is dominated by public lands surrounding a small base of private lands located primarily along perennial water courses. Original villages were established to take advantage of arable lands along streams. Many homesteads were established in the late 19th century, and have become the basis of extensive ranching operations using both private and public lands. The construction of Glen Canyon Dam created settlements originally designed to house construction workers but have evolved into permanent communities. A substantial amount of higher elevation forest lands have been developed for recreation homes and cabins, some of which are now being used year-round. Extensive deposits of coal and other natural resources have been the subject of numerous explorations, with coal deposits near Alton now being actively mined. Each of these land uses presents different challenges and opportunities to county officials.

It is the desire of the Kane County Commission to keep the scope of county government in harmony with our nation's founding principles by providing adequate protection without unduly restricting the liberties of residents and visitors. It is the responsibility of the Kane County Commission to facilitate a land use pattern which honors the rights of private unincorporated land owners to make reasonable use of their lands within the constraints presented by the land itself, as well as traditional uses, customs, culture and available public services. Responsibility for private land use decisions properly rests with those land owners who make them. Kane County will not unduly regulate private land use nor will public funds be used to bail out those who make unwise land use decisions.

Kane County's private land base is approximately 10 percent² of the 4,100 combined square miles found inside its boundaries. Owners of this limited private land base will be provided with a wide array of opportunities to use their property without undue constraints employing the guise of concepts such as *sustainable development*. County land use legislation will protect people from each other and refrain from trying to protect people from themselves; and only protect the government from private interests where absolutely necessary. Zoning districts have been established to provide fundamental fairness in land use regulation and to protect property values, not the interests of those who intrude on the zone. Zone changes will be made only after those interests for which the zone was created have expired or there is no interest left to protect.

The limited base of private property will not be condemned for public use unless absolutely necessary. When it is necessary, the owner will be compensated at or above market value.

¹ Total 4,110 sq. mi. Utah Geological and Mineral Survey, "The Geology of Kane County", H. Doelling, F. Davis, C. Brandt, 1989, Division of Utah Dept. of Natural Resources, Bulletin 124, pgs. 1,7. And, Bureau of Economic and Business Research, "An Analysis of Long-Term Economic Growth in Southwestern Utah: Past and Future Conditions" University of Utah.

² Utah Association of Counties, "2015 Utah Counties Fact Book", <uacnet.org/members/uac_research>, (Their data from SITLA statewide GIS mapping).

All wealth and resources used by society are generated in the private sector. Private sector solutions are consistently more efficient than public sector solutions. Kane County will maintain a land use environment that allows individuals and businesses to succeed. Private sector enterprises will not be subsidized with county funds. For governments to do so interrupts the delicate balance of supply and demand. If the free market system will not support an enterprise, there is either too much of that enterprise or it is not a need. Kane County will not compete with private enterprise. Kane County will employ private resources rather than compete with them. Over regulation is highly discouraging to the private sector. Kane County will regulate only as is necessary to protect the general population from real hazards.

A basic premise of this General Plan (hereinafter, “Plan”) is that land uses in unincorporated areas cannot be supported by county operated and financed municipal-scale services. Landowners who require such services will be expected to finance, install and maintain such services. Tax impacts will be kept low by resisting the temptation to solve private problems with public funds. County funds will be expended to maintain a limited base of county approved and accepted infrastructure (primarily roads), and will not be used to improve infrastructure.

Federal land managers have recognized that to be most effective, they must coordinate with state and local governments as equal partners in the public lands planning process. Congressional policy requires that federal planners coordinate with state and local governments,³ and that federal plans be consistent with adjacent jurisdictions within the constraints of federal law. The Kane County Commission is a proactive equal partner in all public lands planning processes, which impact the county land base. Kane County requires coordination in all efforts pertaining to federal and state lands. Kane County will resist by all legal means the encroachment of federal planning and implementation which interrupts our citizen’s access to state and federally managed lands. Federal lands will be managed for multiple-use access. Placing public lands into a vacuum where they cannot be utilized and enjoyed is contrary to wise management practices which should employ natural resources for the public social and economic benefit.

Given these basic premises, the Kane County Commission will use this Plan to guide land use decisions for the county. Where decisions regarding property rights versus property values are being made, deference shall be given to property rights. This Plan will assure that present and future residents and visitors to Kane County will be housed under safe, sanitary, and attractive conditions. Land uses in the unincorporated county will reflect the intent of the Commission to expect intensive, urban-scale uses and to provide self-supported basic services without county financial support. The Commission will be an active partner with other governments to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities that expand economic opportunity and protect important scenic and social qualities. Federal land managers will coordinate with Kane County as an active, equal, on-going partner to be consistent with county goals and policies when not constrained by federal law.

³ Federal Land Policy & Management Act (FLPMA), See 43 U.S.C. §1711.

Chapter 1 - Land Use

Kane County's policy on land use addresses: 1) the general distribution of land; and 2) standards of population density and building intensity of lands used for housing, business, industry, agriculture, recreation, public buildings and grounds, open space, and other categories of public and private uses of land, as appropriate.

Introduction

Kane County, Utah encompasses approximately 2.6 million acres (2,630,400 acres)⁴ of some of the most remote and rugged land in the continental United States. Much of the county was among the last lands systematically explored and surveyed by the federal government. The county is a land of extremes in elevation, vegetation, precipitation and landscapes.

Climate, elevation, and the presence of adequate water have determined the present-day land ownership and use patterns of Kane County. Most of the land base (85.5 percent)⁵ is managed by federal agencies: Bureau of Land Management, National Park Service and U.S. Forest Service. This encompasses the Grand Staircase-Escalante National Monument, Zion National Park, Dixie National Forest, Glen Canyon National Recreation Area, BLM-Kanab Field Office, and Bryce Canyon National Park. The State of Utah manages Coral Pink Sand Dunes State Park and Kodachrome State Park, along with a small state wildlife preserve. The privately owned land base is located along perennial water courses and at the base of high elevation forests where precipitation allows enough vegetation growth to support raising livestock, yet not isolated by heavy snowpack.

An additional 4.2 percent⁶ of the land base is controlled by the (Utah) State Institutional and Trust Lands Administration (SITLA). These *surface and mineral* lands were granted to Utah at the time of statehood (1894) for the purpose of generating revenue for schools and other public institutions. The state received four sections in each township, which created a checkerboard scattered throughout the county. These lands are reserved for generating the maximum amount of revenue possible for the purposes of the trust. They are not a public lands base reserved for general public interests such as recreation or wildlife habitat. They must be considered part of the developable land base of the county, with more similarity to private lands than public lands. SITLA delineates between surface and mineral ownership of its trust lands because a portion of the acreage lies beneath privately owned and leased land. SITLA's surface land amounts to 99,605 acres, but the state trust owns partial or all the mineral rights on a total of 143,527 acres in Kane County. (See enlarged map)⁷

⁴ <extension.usu.edu/files/publications/publication/AG_Econ_county-2005-2016.pdf>

⁵ Utah Association of Counties, "2015 Utah Counties Fact Book", <uacnet.org/members/uac_research>, (Their data from SITLA statewide GIS mapping).

⁶ <trustlands.utah.gov/download/financial/TrustAcreage_County_02212014.pdf> AND "Utah Land Status and Areas of Responsibility", June 2015, <trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps>

⁷ "Utah Land Status and Areas of Responsibility", June 2015, <trustlands.utah.gov/resources/maps/gis-data-and-maps/surface-and-mineral-maps>, Enlarged map of Kane County (from original).

Agricultural Land Use

While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is minor. Use of federal and state lands in Kane County is essential to protecting and preserving the economic and cultural aspects of the agricultural industry. According to the 2012 Census of Agriculture, Kane County listed 181 farms with a total of 125,441 acres. Although farms and acreage increased since the 2007 Census of Agriculture (145 farms and 113,417 acres, respectively)⁸, the numbers still indicate a 40% reduction of total farmland since the 1992 Census. In 1992, the average farm was 1,500 acres, whereas the 2012 Census indicates the average is 685 acres.

Of the 125,441 acres, 4,456 acres is cropland (a 49% drop from 2007), and approximately 3,953 acres are irrigated (an 8% drop). Most of the irrigated cropland is devoted to hay production, which is an increase of 61% (from 1,658 to 2,673 acres)⁸. The 2012 Census of Agriculture illustrates that land in orchards decreased again from 12 farms to 10. That represents an 83% drop from orchards listed in the 1992 Census of Agriculture.

The majority of BLM and National Forest land has been included in livestock grazing allotments. According to the 2012 Census of Agriculture, Kane County listed 116 cattle/calf operations running 8,213 head of cattle.⁹ This represents an increase of 21% in total head of cattle and a 27% increase in cattle/calf operations since the previous census. However, ranchers are still running 14% less (heads) than what they ran in 1992. There were fewer operations (106), but each operation ran more head of cattle. There was an increase in sheep/lamb operations (from 9 to 17) running 1,069 head, but it was still a dramatic reduction in total inventory (-83%) since 1992. While many of these operations were not the sole source of income for the operators, they are a vital tie to the traditional lifestyle valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors. The 2014 Utah Agricultural Statistics/Utah Department of Agriculture and Food Annual Report (combined reports)¹⁰ showed Kane County farms operating at a loss. The Farm Income and Expenses summary indicates Gross Farm Income to be \$11.1 million, but Farm Production Expenses are \$13 million (for a net loss of \$1.9 million).

Historically, agricultural pursuits have been a vital base of economic activity in Kane County (as well as throughout the State of Utah). According to LuAnn Adams, Utah Commissioner of Agriculture and Food, "...Utah State University reports that our industry's production and processing segments contribute more than \$17 billion to our economy and generate 78,000 jobs..."¹¹ And though agricultural pursuits are not as pronounced in the 21st century, they still provide valuable opportunities for supplemental income and open space preservation.

⁸ Data used from the 2012, 2007 and 1992 Census of Agriculture; USDA, National Agriculture Statistics Service, <www.agcensus.usda.gov/Publications/> county level data, Utah.

⁹ 2012 Census of Agriculture; 2014 UT Ag Stats & UT Dept. of Ag & Food Annual Report, County Estimates, Selected Items & Years, Utah; U.S. Department of Agriculture and National Agricultural Statistics Service, <www.nass.usda.gov>

¹⁰ Utah Department of Agriculture and Food, News and Publications, 2014 UDAF Annual Report & USDA-NASS Statistics, Utah. Last updated May 30, 2014, Accessed 6 June 2015. <www.ag.utah.gov>

¹¹ 2014 Utah Department of Agriculture and Food Annual Report, Commissioner's Letter of Greeting, page 5.

The cowboy lifestyle has helped develop the character of Kane County, and this has been represented in multiple western movies filmed in the area. It is surprising how many people visit the county just to see where the movies were filmed, and take pictures of livestock and cowboys. The local festival and tradition called *Western Legends* depends on the cowboy icon and is centered on that historical figure. In essence, ranching and livestock grazing has a direct link to the local tourism industry.

Residential Land Use

The private land base in Kane County is approximately 10% or 263,040 acres.¹² Kane County ranks fifth in the scarcity of privately owned land (first is Wayne County 3.7%, then Grand 4.3%, Garfield 5.1% and Emery 8.1%) and ranks third in the abundance of federal lands (Garfield is first at 90%, and Wayne is second at 85.7%).¹²

The total number of occupied units that had been projected by the *American Community Survey-5 Year Estimates* was 3,077 between 2009 and 2014; 649 of these units were rentals. Over one-third of the total units in the county were seasonal or recreational units *at that time*. This indicates the large presence of seasonal dwelling units found primarily on Cedar Mountain and in the Deer Springs region below Bryce Canyon National Park. The U.S. Census Bureau estimated there were 5,861 total housing units in Kane County as of July 1, 2016.¹³ However, in 2017, the Kane County Assessor's Office counted 6,008¹⁴ housing units, reflecting a 3.9% increase.

Other important unincorporated communities include the Vermillion Cliffs, Palomar Estates and Church Wells/Paria area in eastern Kane County; Johnson Canyon and Deer Springs in North-Central Kane County; Peaches Subdivision outside the Eastern entrance of Zion National Park on Kane County's western side; Elk Ridge on Highway 14 and all the subdivisions in the Duck Creek area as well as the housing complexes near Bullfrog Marina on Lake Powell.

According to the U.S. Census Bureau¹⁵ new residential construction in Kane County averaged 109 units annually from 1994 to 2004. This activity was attributable to the county's higher levels of seasonal dwelling units. The next period of high growth began in 2005 to 2007, when residential construction averaged 200 new units each year. Construction dropped to 60 units in 2008 steadily declining until 2014 when the total number of approved permits hit a low of 15.

Since 2015, construction has begun increasing once again as evidenced by the number of building permits issued for new residences and commercial buildings. There were 73 permits issued for residences and six for commercial.¹⁶ In 2016, 94 permits were issued for new residences and 19

¹² Utah Association of Counties, "2015 Utah Counties Fact Book", <uacnet.org/members/uac_research>, (Their data from SITLA statewide GIS mapping). By county: Emery pg. 15, Garfield pg. 17, Grand pg. 19, Kane pg. 25, San Juan pg. 37, and Wayne pg. 55.

¹³ U.S. Census Bureau, Quick Facts <www.census.gov/quickfacts/fact/table/kanecountyutah.US#viewtop>

¹⁴ Ryan Maddux, Kane County Deputy Assessor, June 22, 2017; figures represent stick built, mobile and manufactured homes, both primary and secondary residential.

¹⁵ United States Bureau of the Census, Building Permits from 1994 to 2014, Kane County, Utah; <http://censtats.census.gov/cgi-bin/bldgprmt/bldgdisp.pl>

¹⁶ Per Barbara Hansen, Kane County Building Inspector, August 2017.

for commercial; by the first half of 2017, Kane County was positioned to exceed the last two years of new residential permits with 53 already issued. There were two commercial permits issued by June, 2017 with at least three potential large commercial projects set to be permitted by fall. This is not counting permits for remodels, which include additional rooms for vacation rentals and expansion of motels or hotels. As of November 2017, the combined total, which counts those permits, is at 127.

According to the U.S. Department of Housing and Urban Development, Kane County was one of the five top counties in the nation with the largest rent increase based on the areas Fair Market Rent (FMR).¹⁷

Industrial and Commercial Land Use

Industrial and commercial land uses are usually located at major highway intersections and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. However, there are exceptions to this trend. For example: Best Friends Animal Sanctuary is located approximately 10 miles north of Kanab in Angel Canyon, an unincorporated section of Kane County; Canyon Lands Resort Community Zone (Amingiri) is located at the eastern boundary of Kane County; and Buffalo Ridge is located at the boundary of Zion National Park. They are all Planned Unit Developments and Kane County encourages this trend to continue.

According to the Utah Department of Workforce Services,¹⁸ employment in Kane County increased 2.4% between December 2013 and December 2014 generating a net gain of 70 jobs. The strongest industry expansion occurred in “other services,” which includes the county’s largest employer Best Friends Animal Sanctuary. However, “leisure and hospitality” are still the leading industry in the county, with 1,012 jobs.¹⁹ In 2014-15, Alton Coal Mine employed as many as 54 miners and 46 dedicated truck drivers. Over a 40-year span, it is estimated that 150-200 jobs will be generated.²⁰ The least job gain will be in information and manufacturing.

Public Facilities/Developed Recreation Land Use

Most Kane County administrative and maintenance facilities have been located inside incorporated communities in the county seat of Kanab. The Jackson Flat Reservoir, which is immediately south of Kanab, is a 4,228 acre/foot reservoir that is an important water storage facility and recreation spot. This project was undertaken by the Kane County Water Conservancy District and includes 232 acres of historic ranch owned by the Jackson family. The groundbreaking ceremony was held in April, 2011.

¹⁷ Published in the Novogradac Journal of Tax Credits, September 2013, Vol. IV, Issue IX, “HUD Proposes Fiscal Year 2014 Fair Market Rents”. Kane County had a 28.46 percent increase in rents (approximately \$175). Fair Market Rent is an amount needed to pay rent and utilities “of a privately owned, decent and safe rental housing unit of a modest nature with suitable amenities.”

¹⁸ Utah Department of Workforce Services; Economy Snapshot; <jobs.utah.gov/wi/regions/county/kane.html>

¹⁹ Utah Department of Workforce Services; Nonfarm Jobs; <<http://jobs.utah.gov/wi/pubs/eprofile/index.html>>

²⁰ Per Larry Johnson, General Manager, Alton Coal Development, LLC, “Coal Hollow Project” 463 N. 100 W, Ste. 1, Cedar City, UT 84721. June, 2015

The North Event Center is a 15,960 sq. ft. special events building constructed in 2013 in Orderville at the Kane County Fairgrounds to house community events and conferences. It includes two recreation courts at each end of the building with a two-story office/classroom area in the middle. It is made of metal construction with built-in cabinets and shelving and overhead bay doors.

Kane County's Municipal Building Authority (MBA) is completing a community center in downtown Kanab City that will be a combination of a new 15,700 sq. ft. building and remodeled portions of Kanab's old Middle School for a combined total of approx. 43,500 sq. ft. of facility space. It will be called the 'Kanab Center' and will house the Kanab City Offices, the Kane County Senior Citizen Center, the Community Gym, the Creative Underground (for 4-H and Art), with a stage a break-out rooms. It will also be rentable for conventions and conferences. Projected cost of the Center is currently \$5 million and will be paid for by Kane County, Kanab City, grant and loan money. It will also have a combined total of approx. 12,100 sq. ft.²¹ including outdoor space that is useable for a performance plaza, reception plaza, senior plaza, and patio.

The Kane County Land Use Ordinance shall provide additional opportunities for developed recreational land use.

Public Lands

With 89.7 % of the county land base in public ownership (85.5% Federal; 4.2% State), land use and management decisions made by state and federal land managers weigh heavily on the use of private land. The National Park Service, U.S. Forest Service, Bureau of Land Management, Utah State School and Institutional Trust Lands Administration, and the Utah State Department of Natural Resources shall diligently and proactively **coordinate** all public land use management decisions with Kane County in order to ensure the goals, objectives and policies of this General Plan are maintained, and the general health, safety and welfare of the citizens are protected.

<i>Jurisdiction</i>	<i>Acres</i>	<i>Percentage</i>
Bureau of Land Management	1,653,394	62.9%
Grand Staircase-Escalante National Monument	763,100*	29.0%
Kanab Resource Area (Non-Monument)	890,294*	33.9%
National Park Service	469,026	17.9%
Glen Canyon National Recreation Area	450,698	17.2%
Bryce Canyon National Park	8,910	0.3%
Zion National Park	9,418	0.4%
U.S. Forest Service (Dixie National Forest)	123,482	4.7%
Total Federal Land Base	2,245,902	85.5%
Dept. of Natural Resources	4,086	0.2%
School and Institutional Trust Lands	99,864	3.8%

²¹ As of 8/1/18 additions to the Kanab Convention Center have made the total square footage just over 15,000 sq. feet. The total cost has exceeded \$6 million with the new additions and state-of-the-art kitchen facilities.

Coral Pink Sand Dunes State Park	3,727	0.1%
Kodachrome State Park	3,148	0.1%
Total State Land Base	110,825	4.2%
Alton Town	1,506	0.06%
Big Water Town	3,904	0.15%
Glendale Town	4,992	0.19%
Kanab City	9,362	0.36%
Orderville Town	1,024	0.04%
Unincorporated	249,936	9.5%
Total Private Land Base	270,724	10.3%
Total Land Base	2,627,409	100%

Source: 1) *An Analysis of Long-Term Economic Growth in Southwestern Utah*; Bureau of Economic and Business Research; June 2008. 2) 2010 U.S. Census. 3) *Utah State Geographic Information Database (SGID, May 2011)*. 4) *Kane County Recorder*. Columns may not total due to rounding. *Reflects new monument boundaries.

Land Use - Key Issues

1. Diversity of land forms and the vast extent of the land-base.

The land (and water) base in Kane County stretches over 4,100 square miles of terrain ranging from high-elevation forest lands around Navajo Lake, where deep snow covers the land November through May, to the Colorado River canyons around Lake Powell, where annual precipitation is less than 10 inches. A landscape-level (one plan fits all) approach to land use policies cannot be applied to such a varied landscape. What may be applicable to recreation homes on Cedar Mountain, does not apply to ranching lands held inside the Grand Staircase-Escalante National Monument. Private lands surrounding Kanab have different characteristics than the lands surrounding Big Water or the Church Wells/Paria area.

Because of this wide diversity, this plan recognizes the need to develop land use policies based upon different regions. These regions will allow the county to develop policies which correspond to major public lands management units, as well as reflecting the varied conditions of private lands. Recommended regions include (*see new map*):

- A. *Glen Canyon Region* – All land inside the Glen Canyon National Recreation Area.
- B. *Grand Staircase* – All land from the boundary of the Glen Canyon Region to the Western Kane County Region and National Forest Region.*
- C. *Municipality Region & Unincorporated Municipalities* – This region includes all municipalities in the county, which include developments, subdivisions and unincorporated towns under county jurisdiction.
- D. *National Forest Region* – All land designated National Forest.
- E. *Western Kane County Region* – All land on the west side of the county (excluding Zion National Park Region) to the Grand Staircase Region (on the east), up to the National Forest Region (to the north).*
- F. *Zion National Park Region (east entrance)* – All land within Zion National Park that is within Kane County.

*The Western Kane County Region will be modified to include the acreage that was removed from the Grand Staircase-Escalante National Monument and placed under the Kanab Field Office's jurisdiction.

These regions will serve as a means to focus more directly on the specific needs and challenges presented there. They can also serve as the focus of any future formal regional organization which might be pursued under the provisions of state law. An in-depth analysis of these regions can be found in the Kane County Resource Management Plan.

2. Avoiding the extension of municipal-scale services in unincorporated areas.

A guiding principle which has been present in every Kane County plan since 1970 has been the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, and so on, cannot occur on a land base where such services are not available. Past limitations due to the lack of services have sometimes disqualified private land for development.

Kane County will allow development within the perimeters of county land use and zoning ordinances with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and/or land owners who enjoy the benefits of such improvements. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

The Kane County Commission has supported efforts of the Southwest Utah Public Health Department to tighten the regulations allowing the installation of septic tank systems. Southwest Utah Public Health Department collaborated with the Utah Department of Environmental Quality, Forest Service and Kane County Water Conservancy District (KCWCD) to determine the potential pollution and degradation of the groundwater sources on Cedar Mountain. A study of the valley area near Duck Creek Village was of particular concern where the high ground water level caused septic systems to be inundated with water and soil absorption to be reduced. The study indicated the best solution was to utilize land currently owned by the United States Forest Service.

Kane County has made application with the U.S. Forest Service under the authority of the National Forest Townsite Act²² to have conveyed/transferred approximately 70 acres of land in the Dixie

²² July 31, 1958 (PP.L 85-569, 72 Stat. 438, 16 U.S.C. 478a, as amended). Townsites - When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however,* That the Secretary may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid ordinance which assures any land so conveyed will be controlled by the

National Forest for community services (i.e. sewer) that will serve the Duck Creek Area (and an 8-mile radius therein). The transfer would provide services that include water and wastewater, fire protection, solid waste management, and other future qualifying community needs (i.e. schools, medical and utilities).

Referred to as the Duck Creek Townsite Act Land Conveyance project, the development plan associated with this conveyance includes a development plan where the KCWCD will take over management of two existing sewer lagoons along with acreage to operate them. Upon approval, Duck Creek Village will be converted to a regional wastewater collection and treatment system (sewer) from septic tanks. It is estimated there will be approximately 150 connections in the first phase. The approximately 85 connections that service Forest Service facilities (which currently utilize the lagoons) will be under the operation of the KCWCD. Thereafter, a phased approach will be initiated to convert the Duck Creek Area to the regional system (as the system warrants it). Kane County supports the mitigation of pollution and contamination concerns as expressed in both the collaborated study cited above and the Duck Creek Wastewater Facilities Plan.²³

Kane County has also implemented or supported the establishment of wellhead protection zones. The presence of the vast Navajo Sandstone Aquifer is recognized as an important municipal and industrial water resource for the county.

3. Recognize the difference between agricultural use and low density residential use.

Past land use designations and zoning districts have equated the term *agriculture* with almost all unincorporated private lands. A major controversy which has arisen in recent applications of Kane County's zoning regulation is the division of land designated as *agriculture* for primarily low density residential uses. The County Commission recognizes the need to protect agricultural land, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space. Lands which do not contribute significantly to the agricultural base will be recognized as potential low density residential areas.

With regard to low density residential use, Kane County endeavors to provide for residential neighborhoods of a rural character which provide for a limited number of livestock. Ultimately, this rural residential attribute contributes to the benefit and enjoyment of the residents and provides a sustainable opportunity for households to continue agricultural pursuits for their families and community. Furthermore, it provides innumerable benefits for the community and the environment in the form of open space conservation and aesthetic enjoyment.

In order to protect agricultural pursuits on unincorporated private land, Kane County has set a minimum of 10 acres for agricultural land or land splits subject to further ordinance or State law requirements as may be applicable. Recreational use of forest land must also be recognized and treated as a separate land use with a different set of constraints, particularly wild land fire prevention.

governmental subdivision so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands. <www.law.cornell.edu/uscode/text/16/478a>

²³ Updated 2014, Sunrise Engineering, Joseph K. Phillips; email correspondence 10/17/17.

Kane County has also created by Ordinance (1994-3) the ability for a land owner to create an Agricultural Protection Area on their property that has been zoned for agricultural use. An Agricultural Protection Area preserves a designated area of not less than ten acres for permanent agricultural and open space use and cannot be built upon. It creates a conservation easement that protects the land in perpetuity.

4. Acknowledge the distinction between forest/recreational use and multiple-use range.

An earlier version of Kane County's General Plan grouped forest land with range land, designating them as *multiple-use*. This has been a major concern to the owners of (private) forest land, as well as to ranchers. Many feel that the *multiple-use* designation was meant to apply only to public lands. Recent discussions have led to the conclusion that a distinction must be made between public and private forest lands, public and private rangelands, and irrigated croplands.

Kane County created the Escalante Region Multiple-Use/Multiple-Functions Grazing Zone to help with public concern on grazing public lands versus private lands and agricultural pursuits. Forest Recreational Zones have been changed to *Residential* and all zones 10 acres and larger have been zoned *Agriculture* to help benefit and protect agricultural pursuits on private lands.

5. Protect the limited irrigated cropland base.

According to the 2012 Census of Agriculture²⁴ there are 183 farms (125,441 acres) in Kane County. Of this amount, 3,953 acres are irrigated. This total represents a 41% reduction in farmland in Kane County since the 1992 Census of Agriculture.²⁵ While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyle valued by county residents and visitors. Furthermore, the dramatic decreases in agricultural activity are unsustainable in terms of economic and environmental factors.

Historically, agricultural pursuits have been a vital base of economic activity in Kane County. The Utah Agricultural Statistics and Utah Department of Agriculture and Food 2014 Annual Report²⁶ states that Farm Income from livestock (and products) was estimated at \$9.8 million; crops were estimated at \$451,000. The total number of cattle and calves inventory in Kane County was \$8.2 million. However, when Gross Farm Income (\$11.135 million) is deducted from Farm Production Expenses (\$13.092 million) there is a realized net loss of Farm Income <\$1.957 million>. Agricultural pursuits are not as pronounced in the 21st century, but they still provide valuable opportunities for supplemental income and open space preservation. Much of the vegetation manipulation on both public and private rangeland is tied directly to overcoming impacts caused by past encroachment of woody species such as sage brush, pinyon-juniper, wild land fire suppression, or to improve the forage value for livestock and wildlife. This limited, valuable land

²⁴ 2012 Census of Agriculture; 2014 UT Ag Stats & UT Dept. of Ag & Food Annual Report, County Estimates, Selected Items & Years, Utah; U.S. Department of Agriculture and National Agricultural Statistics Service, <www.nass.usda.gov>

²⁵ 1992 Census of Agriculture, www.agcensus.usda.gov/Publications/1992/State_and_County_Highlights>

²⁶ U.S. Department of Agriculture and National Agricultural Statistics Service; <www.nass.usda.gov> County Estimates: Farm Income and Expenses by County – 2012.

base is threatened by conversion to other uses.

6. Recognize the constraints to development caused by the natural environment.

The physical layout of parts of Kane County presents limitations to development. The presence of flood plains, steep slopes, unstable soils, faults, and similar physical constraints must be recognized as legitimate reasons for the restrictions of allowable land uses.

7. Develop systematic wildland fire protection.

The remote nature of many structures in unincorporated areas, combined with the presence of significant vegetation, creates a serious wild land-urban interface (WUI). As development continues, the need to protect private investments and residents is vital. To address these issues, a multi-jurisdictional group of agencies, organizations, and individuals have collaborated to develop the Southwest Utah Regional Wildfire Protection Plan (SURWPP). SURWPP endeavors to provide oversight and guidance to residents through education and awareness of the dangers of wildfire. Its planning objectives help identify strategies that reduce the risk of wildfire around homes and communities.

The Five County Association of Governments has published a 5-year Multi-Jurisdictional Natural Hazard Mitigation Plan that covers wildland fire protection for the county similar to SURWPP planning objectives and strategies that help reduce the risk of wildfire around homes and communities. Kane County understands the most effective wildfire management tool is wise harvest of the resource as well as vegetation treatments that create fire lines. As the forest is harvested, dead and dry fuel woods must be removed during the cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest with the added benefit of economic stimulus as wood products are harvested. Treatment plans that include fire-resistant vegetation will serve to protect both private and public land from catastrophic wildfire.

Coordination with the Forest Service is essential for any wildfire mitigation plan to be successful, as is having Kane County participate in the revision of any Forest Service management plan. A Wildland Fire Plan is in the process of being developed for Kane County and is projected to be completed in 2019.

Land Use Goals

Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Intensive, urban-scale uses will be directed to municipalities where basic services can be accommodated.

Residential Land Uses

Goal #1: To provide for residential areas that support and complement the unique rural quality and character of Kane County.

Objective: Minimum allowable densities in unincorporated zoning districts will be determined

by the Land Use Ordinance. Provide appropriate locations where residential neighborhoods can be established, maintained, and protected. Also, encourage the establishment of public and semi-public sites such as churches, schools, libraries, parks and recreation, which serve the requirements of the residents. The intent is to prohibit those uses that would be harmful to residential estate neighborhoods.

Policy: Standards for subdivisions will be determined by the Land Use Ordinance.

Goal #2: Continue the development of land use policies based upon the division of the county into regions which reflect the diversity of land uses and ownership.

Objective: Develop policies which correspond to major public land management units, as well as reflect the varied conditions of private lands in the various regions.

Policy: Standards for the development of land will be determined by the Land Use Ordinance.

Goal #3: Recognize the constraints of development caused by the natural environment.

Objective: Develop policies which provide a reasonable means for assessment of the geologic, flood, or other natural hazards that may exist on land, lot or parcel for which development application is sought.

Policy: Standards for subdivisions and development will be determined by the Land Use Ordinance.

Goal #4: Develop a systematic wild land fire protection system on both private and public lands.

Objective: Protect private and public investments, as well as residents, by providing oversight and guidance in wild land fire protection system planning.

Policy: Work in cooperation with the Color Country Interagency Fire Center in implementing the goals of the Southwest Utah Regional Wildfire Protection Plan (SURWPP). Promote the interest, education, and long-term involvement of residents in realizing the danger of wildfire and identifying strategies that will reduce the risks around their homes and in their communities. (An example would be the Kane County Sherriff's office assisting with clean up in multiple Cedar Mountain subdivisions through mass mailings informing residences of the need to clean the downed timber off of lots with excess timber.)

Kane County understands the most effective wildfire management tool for public

land is wise harvest of resources as well as vegetation treatment to create fire lines. The Kane County building department enforces fire protection on private lots and residences through the Wild Land Urban Interface Code to protect residences from wildfires. As the forest is harvested, dead and dry fuel woods must be removed during the cleanup process. Ripe and diseased trees must be removed to promote a perpetually young healthy forest and it has the added benefit of economic stimulus as wood products are harvested. Treatment plans that include fire-resistant vegetation will serve to protect both private and public land from catastrophic wildfire. Coordination with the Forest Service is essential for any wildfire mitigation plan to be successful; as is having Kane County participate in the revision of any Forest Service management plan. A Wildland Fire Plan is in the process of being developed and is projected to be completed in 2019.

Commercial Land Uses

- Goal #1:* Encourage and provide for commercial uses in locations with infrastructure in place to serve the public.
- Objective:* Develop commercial uses compatibly with the use and character of the surrounding area.
- Policy:* The Land Use Ordinance and associated zoning map will determine the standards for commercial uses at appropriate locations.

Agricultural Land Uses

- Goal #1:* Ensure the retention of a viable and vibrant agricultural base by preserving appropriate areas for permanent and temporary agricultural and open space uses through Agricultural Protection Zones and Conservation Easements.
- Objective:* Recognize and protect important agricultural lands, especially irrigated cropland, for its agricultural production value and contribution to the preservation of open space. Encourage the establishment of *Agriculture Protection Areas* as authorized by state law.
- Policy:* The Land Use Ordinance and associated zoning map will determine the standards for agricultural uses.

Chapter 2 - Transportation and Circulation

Kane County's policy on transportation, circulation and access addresses the general location and extent of: a) arterial, collector and local streets; b) mass transit; and c) other modes of transportation.

Introduction

A defining feature of Kane County is its remote location. Unincorporated parts of the county contain approximately 255.5²⁷ linear miles of paved roads, the majority of which are included in the major state highways (89, 89A, 9, 14, and Bryce Canyon Road). Johnson Canyon, Coral Pink Sand Dunes Road, Hancock Road, six (6) miles of the North Fork Road, Alton Road, small local roads located in subdivisions, the access road to Navajo Lake and both entrances to Kanab Canyon (also known as Best Friends Animal Sanctuary) are the only paved county roads.²⁸

The Kanab Municipal Airport is the only public paved airstrip. Most of the county transportation system is comprised of gravel roads, roads that are not regularly maintained by the county, and other roads that serve very specific uses such as rangeland and utility access.

Several years ago, Utah tourism organizations were looking for a way to guide travelers to visit their communities after the interstates took them away. Knowing that most of Utah's roads were remarkable experiences in and of themselves, they began the *Scenic Byway Program*. The *National Scenic Byway Program* was established, based on archaeological, cultural, historic natural, recreational and scenic qualities. Many of the roadways in Kane County fit this designation, and are considered *Scenic Byways*:

- *Mormon Pioneer National Heritage Highway* - from Kanab to Fairview
- *Highway 89* - from Kanab to Mt Carmel
- *Markagunt High Plateau Scenic Byway* - Highway 14 from Long Valley Junction (over Cedar Mountain) to Cedar City
- *Mount Carmel Scenic Byway* - Hwy 89 from Kanab to Panguitch
- *Zion Park Scenic Byway* - Hwy 9 from Mt. Carmel Junction through Zion National Park to Interstate 15.

In addition, Kane County has several dirt/gravel roads that traverse the backcountry, and are designated as *Scenic Backcountry Roads (aka Scenic Backways)* - Cottonwood, Skutumpah, House Rock Valley, and Hole-in-the-Rock Road.

Millions of Kane County visitors use the limited major roadways to make their way to attractions such as Zion National Park, Lake Powell, North Rim of the Grand Canyon, and Grand Staircase-Escalante National Monument. Some travel the unimproved backcountry roads, often without the

²⁷ Per Louis Pratt, Kane County Transportation System Director, GIS Mapping.

²⁸ Louis Pratt, Kane County Transportation System Director, GIS Mapping, July 27, 2015.

proper vehicle or knowing current road conditions; others use the dirt roads to travel to and between scenic destinations within the county. This visitation pattern has continued to grow for the past two decades, and is projected to grow in the future.

Much of the transportation system developed in Kane County traverses public lands. Until 1976, the development of roads across public lands was authorized by a blanket right-of-way defined in Revised Statute (RS) 2477 (Section 8 of the Mining Act of 1866 allowing construction of roads and trails across public lands). Most of these roads were never formally platted or surveyed. The adoption of the Federal Land Policy and Management Act (FLPMA) in 1976 repealed RS 2477 with valid existing rights, and instituted a new right-of-way authorization system (Title V) for roads created after 1976. Kane County has filed maps showing all roads vested under the provisions of RS 2477.

Kane County will take the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as access to the scenic wonders in the county. The system will stress a wide range of transportation methods, and will be founded upon the ability of the county to utilize rights-of-way on public lands vested under the authority of RS 2477.

Kane County has also adopted the U.S. 89 Corridor Access Management Plan (East Transportation Plan) that has identified existing access controls throughout the corridor and will guide future development. This plan addresses traffic conflicts, limits the number of major intersections and creates a safer and more efficient roadway.

Transportation and Circulation - Key Issues

1. Validate the R.S. 2477 rights-of-way identified by Kane County.

The RS 2477 rights-of-way in Kane County have been filed with appropriate federal authorities. The RS 2477 issue is under deliberation at the highest levels of the Department of the Interior and Supreme Court. The resolution of this controversy is critical to the ability of the county to manage transportation. To date, Kane County has been awarded 15 of its county roads as valid RS 2477 roads: Bald Knolls (K3930A and K3935), Mill Creek (4400, K4410 and K4405), Skutumpah Road, Sand Dune Road, Hancock Road, Swallow Park/Park Wash Road, North Swag Road, Nipple Lake Road, and four segments of Cave Lakes Road (K1070, K1075, K1087 and K1088).

2. Promote scenic routes and road connections to major highways.

Past tourism promotion emphasized a *windshield tourist* pattern, where visitors quickly drove through the county on their way to other destinations. Very few visitors made use of the narrow, unpaved backcountry roads for scenic drives. A key part of current efforts to increase tourism is to provide a series of backcountry drives on roads that have been upgraded to a safe, all-weather condition. With the inclusion of many of the backcountry roads on popular road maps and GPS units, visitors are more frequently using the *Scenic Backways* and unimproved roads as shortcuts across the Grand Staircase. However, they are often unaware of the difficulty of traveling these

roads with vehicles not designed for off-road travel (rental cars). The backcountry area is also becoming a very popular recreation area with Off Highway Vehicles (OHVs/ATVs).

3. Cooperate with UDOT and the Federal Highway Administration in creating safe development along all highways in Kane County.

U.S. Highway 89 is a limited-access highway, in which the Utah Department of Transportation (UDOT) restricts the number of ingresses and egresses. This is to promote safety, yet retain the capability of carrying traffic at relatively high speeds. While the county understands this, it is also evident that additional access points are needed. These can be allowed while retaining the highway's arterial nature. An eastern corridor from Kanab City to mile-post 48.8 has been developed by Kane County and UDOT to establish safe ingress and egress off Highway 89. It will be managed under the U.S. 89 Corridor Access Management Plan (aka East Transportation Plan) and used to identify future access locations.

UDOT and Kane County also constructed a wildlife protection fence in cooperation with several state and federal agencies, and sports clubs, along a 2 ¼ mile stretch of Highway 89 for tourists traveling to recreational destinations like The Wave and Lake Powell, to prevent them from colliding with migrating Paunsaugunt mule deer. This too, is managed under the same management plan and coordinated with UDOT.

UDOT also coordinates developments along State Route-9 (SR9), which is considered a scenic highway to the east entrance of Zion National Park. UDOT has jurisdiction for all ingress/egress for subdivisions, commercial ventures, and recreational pursuits; any developments off of SR-9 will follow UDOT guidelines and Kane County Standard Specifications and Drawing Details for Design and Construction. A major East Zion Gateway community is currently underway and is being developed in coordination with multiple agencies to ensure traffic safety, future parking, and shuttle systems for Zion National Park. This new gateway community could create the need for Kane County Land Use Ordinance and Kane County Resource Management Plan expansion.

4. Restrictions due to Wilderness Study Area boundaries.

Several Wilderness Study Area (WSA) boundaries in Kane County have been drawn along county roads, and current federal land managers incorrectly believe the WSA's commence "*at the edge of the disturbance*" of the road. This means that improvements or expansion of the road has been difficult. Past efforts to improve such roads have resulted in trespass actions against the county. Original WSA inventories included a reasonable corridor (a set-back) along public roads to allow prudent and necessary improvements. Kane County asserts these setbacks must be identified to allow for proper maintenance and repair of its road system.

5. Develop design standards which incorporate alternative transportation methods such as bicycle paths, trails, etc.

Standard highway engineering has paid little attention to alternative transportation modes. An increasing number of residents and visitors are demanding the ability to walk, ride or bicycle along

the highway(s). These modes of transportation must be considered in future right-of-way design. OHV/ATV users will also benefit from improved trail maps and signage indicating approved riding areas. Kane County has also developed a Trails Committee that works to maintain and expand Kane County's trail system to accommodate alternative modes of transportation such as mountain bikes, ATV/OHV, and equestrian as well as the traditional walking paths.

6. Maintaining Airstrips.

While the Kanab Municipal Airport contains the only paved public airstrip in the county, a number of unpaved airstrips with little or no improvements have been established at various locations. These airstrips include:

- a) Swains Creek (Alton, Utah)
- b) Bryce Woodlands (Hatch, UT)
- c) Strawberry Valley Estates (Alton, UT)
- d) High Meadow Ranch (Duck Creek, UT)
- e) Deer Springs (Kanab, UT)
- f) Johnson Canyon (Kanab, UT)
- g) Larkspur Road
- h) Goodfellow Landing Strip

The Big Water area is considering the potential of locating an airstrip in its vicinity. Amangiri Resort, a subdivision near Big Water on the eastern end of Kane County also utilizes a section of Kane County's road(s) for its runway when private planes land or depart the resort. Other private airstrips within the county are regulated under Kane County Land Use Ordinance for airstrips. Kanab City commissioned an Airport Master Plan in 2016.

Transportation and Circulation – Goals

Kane County is taking the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as access to the scenic wonders in the county. The system stresses a wide range of transportation methods, and is founded upon the ability of the county to utilize rights-of-way on public lands granted under the authority of RS 2477.

Goal #1: Improve county and regional mobility.

Objective: Develop a balanced transportation system that provides a broad range of transportation modes, efficiency, and connectivity.

Policy: Develop a county-wide transportation system through coordinated transportation planning efforts with local, regional, state, and federal agencies.

Goal #2: Develop a balanced transportation system that provides for safe and efficient movement of vehicles and pedestrians.

Objective: Coordinate land-use and transportation planning to maximize land development opportunities. Ensure that decisions regarding future land development and transportation planning are closely coordinated and mutually supportive.

Policy: The county will work to improve safety and circulation when roadway or property development occurs.

Goal #3: Provide for safe travel and access to property off of all highways located in Kane County.

Objective: Work with Utah Department of Transportation (UDOT) in changing access requirements (where applicable) on all highways in Kane County. Utilize and/or amend the U.S. 89 Corridor Access Management Plan that manages the corridor for future development east of Kanab City. Use the Kane County Standard Specifications and Drawing Details for Design and Construction for all growth and development.

Policy: Cooperate with UDOT in their efforts to establish safe ingress/egress to property off of all highways located in Kane County.

Goal #4: Develop a consistent Off-Road recreation policy.

Objective: The county will work to make the area a recreation destination.

Policy: Work with public land authorities (BLM, Forest Service, Park Service, etc.) to create usable maps for recreational purposes, including a consistent road identification system.

Chapter Three - Environment

Kane County's policy is to develop an environmental element that addresses: a) the protection, conservation, and use of natural resources; and b) defines the environmentally sensitive areas of protection and reclamation.

Introduction

Kane County encompasses over 2.6 million acres of the western side of the Colorado Plateau. Regionally, the county is divided into four broad landscapes known as the High Southern Plateaus, the Grand Staircase, the Kaiparowits Plateau, and the Colorado River Canyons. These landscapes lie across four broad watersheds (and several sub-watersheds) all part of the Colorado River system.

The Virgin River is a 162-mile long tributary of the Colorado River which originates at the confluence of the East Fork Virgin with the North Fork Virgin. The Escalante River system flows from the Aquarius Plateau and Boulder Mountain into the upper portions of Lake Powell. Last Chance Creek and Wahweap Creek are the principal tributaries off the Kaiparowits Plateau, flowing into the main body of Lake Powell. The Paria River-Kitchen Corral Wash system extends from the Bryce Canyon-Bryce Valley area, terminating below Glen Canyon Dam near Lee's Ferry. Johnson Wash flows southward into Kanab Creek and eventually into the Grand Canyon. Less than ten percent of these water resources are perennial streams and primarily include Kanab Creek, the Paria River, and Last Chance Creek.

Precipitation within the county varies from 7 to 18 inches annually. Winter-time precipitation varies from 4 to 12 inches, and is the primary source of recharge for ground-water systems. Winter precipitation is the greatest along the northwest border of the county in higher elevations of the Paunsaugunt Plateau.

The county provides habitat to over 400 species of vertebrates and invertebrates. Some animals are migratory, some are year-round residents, and others use the county as seasonal habitat. Many species of bird use the county as breeding and nesting areas. Kane County hosts populations of Deer, Elk and Big Horn sheep year-round. The main riparian systems allow fish to move in and out of the county depending on water flows and seasons. These water systems are the main habitat for most of the identified species of birds.

Climate, elevation, and adequate water supply have determined land ownership and land use patterns of Kane County. 85.5 percent of the land base remains in federal ownership. The land base which is privately owned is located along perennial water courses and at the base of high elevation forests. Less than one percent of the private land base is located inside incorporated communities; a substantial amount of forest land in higher elevations has been developed for vacation homes and cabins.

While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is relatively minor. However, the majority of BLM and National Forest Service land has been included in livestock grazing allotments.

Extensive deposits of coal and other natural resources have been the subject of numerous explorations and feasibility studies. Each of these land uses presents different challenges and opportunities. There are six types of problem soils and rocks that are found in Kane County: expansive soil, collapsible soil, limestone (Karsts Terrain), gypsiferous soil/rock, soils subject to piping, and sand dunes.

According to the *Southwest Utah Regional Wildfire Protection Plan* (October 2007), Kane County is almost exclusively covered in forest and shrub/rangelands accounting for 97% of the area. Shrub/rangelands accounts for 75% of the land area. Shrub/Rangelands consist of oak savannahs and sagebrush flats. Forest area accounts for 22% of the county. Water/wetlands and developed areas comprise approx. 1% of the county's land area. Grass/pasture and haylands/croplands make up less than 1% of the county's land area.

Environment - Key Issues

1. The protection of watersheds is critical to the continued development of Kane County.

Past land use practices in this arid region have caused impacts which are still affecting soil and water quality. A major affect is the decrease in water flow and water quality. More work has to be done to improve watershed conditions and to protect water quality. Kane County wishes to coordinate with its federal partners as well as Kanab City, Coconino and Mohave Counties, to drive vegetation treatments that will improve soil quality and thereby improve watershed health, water retention and yield. Kane County wishes to improve and protect the water sources that are now in place, including any future sources that will be developed.

Kane County has implemented a land use ordinance for drinking water source protection zones. There are many water source protection zones already in place; Kanab City, Johnson Canyon, Swains Creek and Best Friends protection zones are some of the largest protection zones developed. All future planning efforts for water source protection zones will be coordinated with the Department of Environmental Quality and will be recommended through the Planning Commission and Commission processes, as stated in Ordinance 1996-5.

An updated and additional Resolution 2006-23 was implemented to support the Southwest Utah Public Health Departments, Environmental Health Administrative Program to oversee alternative onsite waste water systems in Kane County. Continual coordination for future developments will stay in place for protection of Kane County's water and water sources.

2. Past trends of invasive trees and woody plants have displaced grasses and forbs.

In order to reverse past disturbances, it is vital to participate in efforts to reintroduce grasses and forbs as the dominant vegetation type across the county. Kane County wishes to coordinate with all its federal partners to encourage treatments that will repair fallowed landscapes and create optimal rangeland health that benefits the citizenry, livestock and wildlife. Kane County created a Resource Management Plan and Planner to oversee and coordinate all efforts pertaining to grazing, water and multiple-uses and functions on public land. Chapters were added to the Kane County

Land Use Ordinance to help coordination efforts with the federal land managers within Kane County.

3. The presence of extensive mineral deposits must be recognized.

While the designation of the Grand Staircase-Escalante National Monument (GSENM) has precluded mineral extraction under the mining law and mineral material sales contracts on certain sections of the Kaiparowits Plateau, the presence of the vast mineral resources must be recognized as a potential resource for future generations. The recent resizing and modified boundaries has also affected what is now accessible on the Plateau and subject to possible future sales contract(s), though Kane County understands it is not the reason for resizing the Monument. Either way, Kane County insists the mineral potential be responsibly assessed. Kane County understands that market standards will always dictate the feasibility of future mining and extraction.

There are other areas across the county that have variable levels of minerals that must be recognized such as the Kolob Coal Field (Western Kane County) the Alton Coal Field (Coal Hollow Mine) and various other elements (limestone, clay, gypsum, and silica). Even if the current markets make it unfeasible to extract these minerals, the presence and location of Kane County's natural resources are still a part of its intrinsic value.

Kane County's Resource Management Plan has outlined specifications and guidelines for future planning efforts regarding mineral deposits and potential on public lands within Kane County boundaries.

4. The promotion of environments that encourage growth of at-risk species.

Several species of animals located in Kane County have been designated by the state or federal government as having some level of risk. From time to time Kane County identifies a species that is in need of high priority designation. It is the goal of the county to avoid federal intervention in the conservation and promotion of at-risk species and habitats. Therefore the county will work towards conservation and promotion of at-risk species and habitats as deemed appropriate or necessary. Likewise, if information becomes available that indicates a species no longer needs protection, Kane County will lobby the proper authority to request the species be removed from at-risk designation. Kane County would like this done in a timely manner since it can affect the availability and development of land uses. To help ensure the timely process of and continued multiple-use of Kane County's land base, it has implemented a Resource Management Plan for future coordination of efforts regarding land use on public lands.

5. Multiple-use/Multiple functions management of public lands.

Federal land management agencies must comply with the multiple-use/multiple function goals and objectives of Congress as stated in the following statutory laws: Taylor Grazing Act, Federal Lands Policy & Management Act, Public Rangelands Improvement Act, National Environmental Policy

Act, General Mining Law of 1872, Minerals Leasing Act of 1920, Materials Act of 1947, Mining & Mineral Policy Act of 1970, National Materials and Minerals Policy, Research & Development Act of 1980, and other related laws concerning recreational and multiple-use of natural resources that impact the watershed. Sovereign lands (beds of navigatable waters) will be administered under *Title 65A Forestry, Fire and State Lands* (i.e. parts of Colorado River – shores of Lake Powell in Kane County). The National Environmental Policy Act requires consideration of all environmental actions on the culture, heritage and custom of local citizenry.

Kane County has implemented Land Use Ordinance ‘Chapter 27: Escalante Region Multiple Use/Multiple Functions Grazing Zone’ and the Kane County Resource Management Plan for guidance on development and use of public and private lands within Kane County and to establish compliance with coordination efforts on state and federal laws and regulations.

6. Dark Skies.

A new trend of the environmentalists has turned to protecting the star-filled skies across the country. Because Kane County has so few towns and cities, the night sky can be seen very well. Those who want to protect the night-sky environment can implement some land-use guidelines to assist in protecting the night sky so they can see the stars better.

Kane County encourages lighting practices and systems which will: minimize light pollution, glare, and excessive glare; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment. New and major additions to land-uses, developments and buildings or structures are encouraged to use hooded lighting practice.

7. Scenic Corridor Protection and Preservation.

Kane County’s tourism industry has been steadily growing. At the same time, several large commercial developments are being discussed that could affect the quality of some *scenic corridors* which could affect the tourism market Kane County depends on. Kane County wants to preserve the aesthetic value of its significant scenic corridors by using the concept of *visual corridor mitigation*. The county would like to minimize the disturbance on its scenic corridors by having developers incorporate mitigation measures into their planning efforts and demonstrate this awareness throughout the development process such as using less intrusive buildings, using structures that blend in with the environment, and by utilizing the natural environment to the best extent possible. The goal is to preserve the scenic value of Kane County’s natural heritage – parts that may only be seen from the inside of a vehicle, but are still marketed to the world and popular to see.

8. Air Quality.

Kane County is known for its clean quality of air. The pollution is minimal and there is very little infiltration from other areas. The Department of Environmental Quality assists in regulating new development to help protect the air quality that is now enjoyed by residents and tourists.

Environment – Goals

Land use policies and regulations are established to recognize and respect the constraints which natural hazards present to human use. The presence of sensitive lands such as watersheds and habitat for wildlife and livestock will also be reflected. Most importantly, the county will recognize that humans have been an integral part of the region's natural systems for over 12,000 years, and must continue to play an active role in its functioning.

Goal #1: Kane County will be a coordinating proactive participant in commenting on and developing federal environmental regulations which affect the county's land base.

Objective: Promote the development of the county's mineral, water, manpower, industrial, historical, cultural, wildlife, transportation, recreational, and other resources.

Policy: Coordinate the efforts of local, state, and federal agencies regarding natural resources and wildlife with the goal of promoting efficient development and stewardship of the resources while maintaining local control.

Goal #2: Recognize the water resources in the county and the integral role these systems play in the natural and built environment.

Objective: Support the Kane County Water Conservancy District as one of the primary agencies involved with water resource development in the county. Develop and protect all the water source protection zones.

Policy: The Planning & Zoning Commission and the Kane County Commission will be involved and create any actions which impact efforts to develop water resources and treatments in Kane County.

Goal #3: Recognize the constraints to development caused by the natural environment.

Objective: Develop policies which provide a reasonable means for assessment of the geologic, flood, or other natural hazards that may exist on land, lot or parcel for which development application is sought.

Policy: Standards for subdivisions, as they pertain to constraints to development caused by the natural environment, will be determined by the Land Use Ordinance.

Goal #4: Develop a systematic wild land fire protection system.

Objective: Protect private and public investments, as well as residents, by providing oversight

and guidance in wild land fire protection through the Wildland Urban Interface building code.

Policy: For public lands work in cooperation with the Color Country Interagency Fire Center in implementing the goals of the Southwest Utah Regional Wildfire Protection Plan (SURWPP); For private lands work through the building department and the Kane County Fire Warden for all permits and developments.

Promote the interest, education, and long-term involvement of residents in realizing the danger of wildfire, and identifying strategies that will reduce the risks around their homes and communities. A Wildfire Protection Plan is being developed and should be completed in 2019.

Coordinate with state, federal, and local agencies to promote healthy management of the forest. Promote safe, fire-resistant homes by coordinating all development through the building department, Sheriff's Office and the Kane County Fire Warden. Kane County understands the most effective wildfire management tool is wise harvest of the resource (on public lands). As the forest is harvested, the dead and dry wood fuel is removed in the cleanup process. The *ripe* and diseased trees will be removed creating a perpetually young healthy forest which avoids the destructive gyrations of the natural forest cycle. This method has the benefit of economic stimulus as wood products are harvested.

Manage the pinyon-juniper plant community, which inhibits the growth of necessary forbs and grasses, so as to allow a more diverse vegetative resource. Treatment plans that include fire-resistant vegetation will also serve to protect both private and public land from catastrophic wildfire.

Coordination with the Forest Service is essential for any wildfire mitigation plan to be successful; as is having Kane County participate in the revision of any Forest Service management plan.

Chapter Four - Public Services and Facilities

Kane County's policy is to develop plans for public services and facilities for the following categories: a) sewage disposal; b) waste disposal; c) drainage; d) local utilities; e) rights-of-way

easements; f) public safety; and g) other public services.

Introduction

Kane County provides an array of basic services to county residents, including road maintenance (county accepted roads); assessing and collection of taxes; recordation services; law enforcement; public buildings and unincorporated land use management. Most Kane County administrative and maintenance facilities have been located inside incorporated communities, mainly in the county seat of Kanab. The county does not provide other municipal-type services. Such services are provided by municipalities or special service districts.

A guiding principle which has been present in every Kane County plan since 1970 is the recognition that unincorporated areas of the county cannot be expected to accommodate municipal-scale services. Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available.

Limitations on proposed land use due to the lack of services have sometimes disqualified private land for development. Kane County will allow development in unincorporated areas with the understanding that infrastructure improvement, development and maintenance will be at the expense of the subdivider and land owners who enjoy the benefits of such improvements. Developers will be required to operate within the perimeters of the Kane County Land Use Ordinance. Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The installation of water systems and fire hydrants does not imply or require county provided road maintenance or snow removal.

Kane County will discourage development that requires municipal-type services unless such development is serviced by a special district established for that purpose. Special Service Districts in Kane County include:

1. Big Water/Glen Canyon Special Service District
2. Canyon Lands County Improvement District
3. Cedar Mountain Fire Protection Special Service District
4. Church Wells Special Service District
5. East Zion Special Service District
6. Kane County Human Resources Special Service District (DBA: Kane County Hospital)
7. Kane County Water Conservancy District
8. Long Valley Sewer Improvement District
9. Recreation and Transportation Special Service District
10. Vermillion Cliffs Special Improvement District (Road Improvement)
11. Western Kane County Special Service District #1

Public Services and Facilities - Key Issues

1. Kane County will not become a provider of municipal-scale services, but will assist in such development if serviced by a special service district.

Kane County's unincorporated areas cannot be expected to provide municipal-scale services. Residential or commercial zones which require large investments in infrastructure such as roads, water, waste disposal, schools, etc. cannot occur on a land base where such services are not available. Kane County recognizes this distinction, and will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain their own services. Kane County will discourage development in unincorporated areas *unless such development is serviced* by a special district established for that purpose.

As an example, the Duck Creek area on the south side of Cedar Mountain is serviced by the Kane County Water Conservancy District (a special service district). That area also has a combination of both private property and Forest Service land (the Dixie National Forest). Duck Creek Village and surrounding subdivisions (such as Movie Ranch, Strawberry Creek, Swains Creek, etc.) are experiencing problems with their drainage areas; septic systems are being inundated with water from the high groundwater level. In order to prevent pollution of surface and groundwater supplies, they will have to be converted from septic to sewer.

The U.S. Forest Service already has two wastewater treatment lagoons on acreage adjacent (northeast) of the Duck Creek area; and since the Forest Service cannot provide wastewater collection and treatment services to privately owned landowners, Kane County has applied for a transfer of the land through the National Forest Townsite Act.²⁹

The National Forest Townsite Act allows for the sale of lands for townsite purposes to counties, cities or other local government subdivisions. The Kane County Water Conservancy District (KCWCD) is coordinating with Kane County, U.S. Forest Service, and the Utah Division of Water Quality to obtain approximately 70 acres of the Dixie National Forest so it can upgrade and expand the wastewater facilities that will be needed to put the Duck Creek area on a sewer system. The total acreage provides plans for infrastructure that includes water, wastewater, fire protection, solid waste management (and other future qualifying community needs such as schools, medical and utilities) for the Duck Creek area.

²⁹ July 31, 1958 (PP.L 85-569, 72 Stat. 438, 16 U.S.C. 478a, as amended). Townsites - When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however,* That the Secretary may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid ordinance which assures any land so conveyed will be controlled by the governmental subdivision so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.
<www.law.cornell.edu/uscode/text/16/478a>

Application has been made as the *Duck Creek Townsite Act Land Conveyance* project and both scoping and analysis are already underway. The U.S. Forest Service anticipates that analysis will be completed in 2018.

Engineers for the Duck Creek Wastewater Facility Plan³⁰ suggest that up to 150 equivalent residential connections (ERCs) in the form of residential and commercial connections will be initiated in the first phase of the wastewater treatment project in Duck Creek Village. The area will then be monitored to determine when to proceed to subsequent phases of the Plan if water quality degradation patterns suggest that additional phases are necessary. The Plan sited up to four phases (i.e. the second phase would include completing almost all of the remainder of the Duck Creek area boundary; third phase would complete the remaining portion of Duck Creek and the entire Strawberry Creek boundary; and the fourth phase would complete all of Swains Creek boundary.) At buildout, there is anticipated to be 3,275 ERCs (with an annual projected population growth rate of 1.8%). There are currently 2,240 water connections according to the KCWCD, but only 70% are using water (1,568).

2. Kane County may request developers analyze the impacts of proposed development but shall not engage in the practice of imposing impact fees.

Utah State Code allows counties to impose impact fees if the county first complies with several requirements. The purpose of impact fees is to require new development to pay for added costs to existing infrastructure and other services including utilities, fire protection, roads and law enforcement. Kane County does not provide utilities or fire protection other than wild land fire protection. The only two services provided by the county for which an impact fee could be imposed are roads and law enforcement. Kane County requires the developer to construct and improve necessary roads under current Land Use Ordinances. All other roads necessary for new development remain privately owned and maintained until they are in line with county standards. Therefore, it would be inappropriate to impose an impact fee for roads.

Kane County further believes that additional need for law enforcement, due to new growth and development, should be paid for through the increase of taxes. New growth is already built into the current structure of property taxes. There are, however, several entities, (special districts), that provide other municipal-type services to residents of unincorporated areas of the county. When those entities have the authority to impose impact fees, they should consider whether the policy of imposing impact fees is appropriate.

Kane County is aware and encourages special service districts to utilize the cooperation and assistance of funding agencies available through federal and state partnerships for developing infrastructure such as municipal-scale services. This may include the commissioning of planning and feasibility studies as well as obtaining low interest rate loans and grants to finance projects.

3. Kane County will cooperate with major utility providers, including but not limited to:

³⁰ Updated 2014, Sunrise Engineering, Joseph K. Phillips; email correspondence 10/17/17

power, natural gas, water, telephone, and fiber optics to establish necessary utility corridors.

Kane County endeavors to ensure that its residents and visitors enjoy improved utilities, such as, power, natural gas, water, telephone and fiber optics. The county will cooperate with major utility providers in their efforts to establish necessary utility corridors. These efforts will provide an improved system which equitably and efficiently meets the needs of residents and visitors in a cost effective and sustainable manner.

Public Services and Facilities – Goals

Kane County does not intend to become the provider of municipal-scale services or facilities. The county will facilitate the transmission and distribution of necessary services by entities created and financed by those using such services. Direct county services will continue to be limited to those which have a county-wide scope.

Goal #1: Recognition that unincorporated areas of the county cannot be expected to accommodate or provide municipal-scale services.

Objective: Residential or commercial land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, etc., will be encouraged to coordinate their efforts in proximity to adjoining municipalities or special service districts.

Policy: The county will support property owners in their efforts to secure municipal-scale services through municipalities or special service districts.

Goal #2: Ensure that county residents and visitors enjoy improved utilities, such as, power, natural gas, water, telephone and fiber optics.

Objective: Assist utility providers in their efforts to convey improved systems which equitably and efficiently meet the needs of residents and visitors in a cost effective and sustainable manner.

Policy: The county will cooperate with major utility providers in their efforts to establish necessary utility corridors.

Chapter Five - Rehabilitation and Conservation

Kane County's policy for rehabilitation and conservation is to provide for: a) historic preservation; and b) support for redevelopment or reclamation.

Introduction

Rehabilitation largely consists of historic preservation. The purpose and intent of historic preservation is to enrich the lives of all who reside and visit Kane County and provide a greater understanding of the elements that contribute to the county's visual character and appeal. History is found not only in written form, but within the homes, stores, churches, factories, and civic buildings interwoven through its fabric. Buildings have their own historic sagas to tell about their age, prestige, function, and importance. As a collective whole, buildings tell the county's history, chronicling the growth, character, and culture. Kane County wishes to provide a greater understanding of its history, and contribute to its visual character and appeal.

Preserving elements from every period of history is important. When we lose historically significant buildings, we lose the sense of place these structures create. Additionally, in order for us to understand the present and future, it is important for us to see and appreciate the progress that has been made since settlement. The ability to appreciate such progress can be accomplished through the architecture of the past.

While preserving the past is important, saving every old building is not necessary to ensure the character of Kane County is retained. Buildings which should be preserved are those which best represent their historical period and can be adapted to functional uses without sacrificing the uniqueness of their age or architectural style.

The preservation of historic resources in Kane County has been the focus of many local and regional organizations. Kane County will continue to partner with such organizations in historic preservation projects, but does not intend to become a lead agency in historic preservation. The State Historic Preservation Office (SHPO) is the lead agency for historical research, building and community preservation, and cultural resource management.

The second function of the rehabilitation and conservation element focuses on the county's redevelopment potential. Specifically, the element seeks to address the diminution or elimination of blight and redevelopment of land, including housing sites, business and industrial sites, and public building sites. Utah State Code (17C-1-201) defines a redevelopment agency as *"...a political subdivision of the state, that is created to undertake or promote urban renewal, economic development, or community development, or any combination of them, as provided in this title, and whose geographic boundaries are coterminous with: (a) for an agency created by a county, the unincorporated area of the county; and (b) for an agency created by a city or town, the boundaries of the city or town."*

Typically, redevelopment efforts are contemplated in an urban environment due to the complexity and scale involved with their charter. At the writing of this plan Kane County does not have a redevelopment agency and will not likely have one in the near future.

However, during the assessment process, Kane County determines if a housing unit is badly worn (deteriorated)³¹ or worn out (dilapidated). By definition, HUD says a deteriorated home requires substantial rehabilitation and reconstruction to bring it into a condition suitable for continued habitation and a dilapidated home requires demolition or replacement.

When viewed from a county perspective, the actual numbers and percentages of the whole appear insignificantly small. But when one looks at the local level, even a small number of dilapidated and deteriorated homes may constitute a significant percentage of the housing stock in that community.

In 2009, Five County Association of Governments surveyed Kane County to determine the number of residential units in dilapidated or deteriorated condition. At the time, there were only 2,724 total housing units counted. In the seven years since that count, Kane County has seen an increase of 54.66% in available housing units. See below:

<u>Kane County Housing Units</u>	# of Homes* 2016	% of Total Homes 2016	# of Homes¹ 2009	% of Total Homes 2009
All Homes in Assessment	6,008	100%	2,724	100%
Homes in Excellent, Fair or Moderate Condition	5,419	90.16%	2,629	96.51%
Mobile Homes in Badly Worn Condition	55	.91%	40	1.47%
Mobile Homes in Worn Out Condition	198	3.29%	19	0.70%
Single Family Homes Badly Worn Condition	134	2.23%	19	0.70%
Single Family Homes Worn Out Condition	202	3.36%	17	0.62%

Source: *Kane County Assessor's Office, 2017

Source: ¹ Five County Association of Governments Consolidated Plan, 2011

Housing stock condition illustrates that 90.16% of the homes in Kane County are in excellent, fair, or moderate condition. Although there are other types of building construction found in the county, the vast majority of improved land is residential.

Rehabilitation and Conservation - Goals

Goal #1: Kane County will provide support to private property owners who desire to eliminate blight on their land through Land Use Ordinance.

³¹*Deteriorated* is defined by HUD as a structure needing multiple repairs to many of its core features such as shingles, siding, window frames, foundation, or chimney. Such defects are non-structural. *Dilapidated* is defined by HUD as a structure with significant structural problems that are beyond the ability to undertake cost-effective rehabilitation. (Rehabilitation costs approach replacement cost.)

Goal #2: Kane County will continue to support local and regional organizations and their historic preservation efforts.

Objective: Encourage historic preservation to enrich the lives of all who reside and visit Kane County by providing a greater understanding of the history, and contributing to the visual character and appeal of the county.

Policy: The State Historic Preservation Office (SHPO) will be the lead agency in providing Kane County with historical research, building and community preservation, and cultural resource management.

Chapter Six - Economic Development

Kane County - Economic Overview

The economy of Kane County has traditionally been based on its abundant natural resources. Most of these resources are found on lands administered by federal agencies. Access to these resources has been reduced at an ever-increasing rate since the 1970s. Animal unit months (AUMs) for grazing, timber harvests (board feet), and mineral extraction have been greatly reduced. After the creation of the Grand Staircase-Escalante National Monument, the withdrawal of locatable mineral exploration and development in northern Arizona, and the cessation of coal leases (which affected western Kane County) the reductions caused the loss of a significant number of higher paying jobs.

With the increase of tourism, which jumped significantly in the 1980s, and the demise of natural resource-based jobs in the early 1990s, Kane County's job market shifted towards hospitality/service-based jobs. Kane County also saw the emergence of a new job category from Best Friends Animal Sanctuary. Best Friends established themselves as a non-profit organization north of Kanab City in Kanab Canyon (informally renamed by them as Angel Canyon) and have grown to become the largest employer in the area with approximately 450 local employees (and approx. 800 nationally).

Government jobs in Kane County have also risen significantly. They now account for 25% of all jobs and 32% of payroll dollars (with the county seat being in Kanab). These jobs bring some stability to the work force as the numbers in this category tend to steadily increase.

Over the past several years, Kane County's population has shifted in its demographic. The U.S. Census Bureau and the Kem C. Gardner Policy Institute (University of Utah) are close in their population estimates in describing the spread of age groups. As of July, 2016 the Census Bureau estimated Kane County's population to be 7,334³²; that is a 2.9% increase from April, 2010. The Census Bureau says 22.8% of the population is 65 years or over, which is a 3.3% increase from the 2010 population. To put that in perspective, the table below shows the age spread 0-17 years; 18-64 years (working age) and 65 years and over:

2016	0-17 years	%	18-64 years	%	65 years +	%	Total
U.S. Census Bureau	2,068.19	28.20	3,593.66	49.00	1,672.15	22.80	7,334
Kem C. Gardner	1,764.00	23.91	3,996.00	54.15	1,619.00	21.94	7,379

Prior to 1980, retirement in Kane County was limited to those families who had lived in the area for several generations. With the introduction of new subdivisions offering inexpensive land, the retirement segment grew, which had an impact on the county's economy. Retiree household income is generally higher than the household income of those presently in the labor pool.

³²www.census.gov/quickfacts/fact/table/kanecountyutah.us#viewtopDownload October 2017

However, according to the U.S. Dept. of Commerce, the percentage of people living in poverty in Kane County is around 9%³³ (the state of Utah is 11.7%); most of the percentage of people who fell below the poverty line were single moms with children under 18 years (25.9%). But, the numbers that reflect the senior statistics in that report are a little deceiving because the Census Bureau counts people 65 years and older in one category, whereas, Kane County serves 60-years and older at its Senior Centers and ends up with a higher count. The real-time figures for service to seniors at the poverty level is closer to 14%, based on the statistics collected by Five County Association of Governments, the agency that tracks the home delivered and congregate meals to senior citizens. In Kane County, that is over 1,000 seniors (60 yrs. And older) living at 125% of the poverty level.

There are also a high percentage of children in Kane County living in intergenerational poverty (IGP). IGP is the type of poverty that has been passed on from two or more generations and becomes cyclical. Kane County has identified 100 children that currently live in IGP and approximately five times that many who are at risk of remaining in IGP as adults.³⁴ Kane County is focusing on reducing the number of children living in IGP by partnering with other agencies to better utilize and coordinate existing resources to combat it.

One of the other concerns about Kane County's economy is its environment. The natural beauty of the area is unsurpassed; the air and water are clean and the climate is without extremes. But, most of the land in Kane County is publicly administered and access to the county's natural resources is limited because it is controlled by federal and state agencies. This has led to job losses and made economic development within the county more challenging.

Tourism has been established as a major component of Kane County's economy, but the opportunities it presents also come with challenges. Employment in the hospitality sector is cyclical and wages are generally lower without year-round job stability. Human resources have been strained because young people leave the area for quality jobs that can support a family. Housing affordability has also changed in relation to wages; there has been an increase in the sale of empty lots and the construction of residential housing, which has affected home prices; and long-term rentals have given way to vacation rentals causing a shortage. Business owners have had to get very innovative to create affordable housing for their workforce, which has included purchasing houses to temporarily rent to seasonal or VISA-card holding workers.

Economic Development – Guiding Principles

The same qualities that attract residents and tourists create a myriad of problems for businesses and industry. Some of the best opportunities for economic growth are due to the abundance of natural resources; however, the use of these resources is restricted because of environmental restraints placed on federally managed lands. This has also reduced the number of high-paying jobs.

³³ 2017 U.S. Department of Commerce Report.

³⁴ Kane County IGP Strategic Plan; "A Report to the Intergenerational Welfare Reform Commission"; Kane County IGP Committee, June 2, 2017.

The following are key economic development principles that should guide Kane County in efforts aimed at economic development:

1. Local Area Leadership.

Kane County will foster an environment for effective leadership that focuses on vision, communication, effectiveness and respect. Leaders must champion responsible economic development that enhances the quality of life, and preserves unique scenic and natural beauty. Kane County will be an active partner with other business and government organizations working to develop a broad-based economy. It will promote traditional economic uses while fostering new economic activities.

2. Year-Round Employment.

Travel and tourism account for the majority of Kane County's economy. Seasonal fluctuations in travel and tourism result in high unemployment rates especially when scenic destinations such as the North Rim of the Grand Canyon and Grand Staircase-Escalante National Monument close. Kane County will work with area stakeholders, as well as federal and state agencies to develop year-round recreational opportunities that will require steady employment to reduce the cyclical nature of the tourism industry, assisting both employers and employees to sustain a steady level of income.

3. Economic Diversity.

Business growth and development must focus upon jobs that pay well and provide high quality goods and services. Creating new jobs through retention and expansion of existing businesses, and by attracting target industry will diversify the economy. Creating additional educational opportunities for residents will also allow life-long learning opportunities and stimulate economic vitality. Although employment in Kane County within the travel and tourism industry is more than double that of the United States as a percentage³⁵ it is good to remember that the service sector includes wholesale trade, utilities, administrative and waste services, real estate, rental and leasing services, retail employment, information technology and services, healthcare and social assistance, arts and entertainment, finance and insurance, transportation and warehousing, professional and technical services, and educational services. It includes most *other* services except for public administration.

4. Targeted Economic Development.

While tourism is an important element of the county economy, it is critical that the economic base be developed as a diversified economy in order to achieve economic stability. Kane County will take a targeted approach to economic development building on the existing strengths in the local economy and diligently work to introduce new diversified segments to the economy. This will take a collaborative effort between stakeholders, federal, state and local agencies, as well as neighboring communities such as Fredonia and Page, Arizona, Coconino and Mohave Counties,

³⁵ July 2015, Julie Suhr-Pierce, PhD., Socioeconomic Baseline Study, GSENM, Livestock Grazing MMP/A/EIS; Table 5.1.2, pg. 37

and the Tribal Councils for the Paiute, Navajo and Hopi Indians. Through the continued efforts of organized Coalitions, Kane County will strive to revive the timber industry and mineral extraction where it is environmentally safe and sound. It will also do everything in its power to safeguard and increase the livestock and agricultural industries where it is economically feasible.

In addition, Kane County will support the continued efforts for extended leases and extraction of the Alton Coal fields, which will increase the number of available jobs in the area as well as secondary services required to support the industry.

5. Arts and Cultural Opportunities.

Local events that attract outside talent and provide opportunities for local talent to be displayed and enjoyed must be encouraged. Preservation of the county's culture and heritage should always be a focal point of Kane County's strategy of future economic development efforts. This will include additional events that not only highlight the local culture, but spotlight the beauty of the local surroundings.

6. Environment.

Kane County is home to many astounding scenic qualities, including its clean and tidy communities. This sense of personal and community pride as stewards of the land must be fostered. Of particular importance to the county is the ability to utilize its natural resources in a responsible manner without undue political interference. This utilization can occur without impairing the scenic quality treasured by both residents and visitors. Access to scenic lands should be made available to those who will treat the land with respect and honor.

In addition to this, Kane County will foster a relationship with neighboring communities to enhance the sense of community pride, offering ideas and/or assistance to help clean up areas of blight that are visual from the main transportation corridors, so we can work together in portraying the sense that Kane County is important to its residents and is something we are proud to show to visitors from across the world.

Economic Development – General Goals

Kane County will be an active partner with other governments to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities that expand opportunity, utilize available natural resources, and protect important scenic and social qualities.

Goal #1: Retain, expand and/or diversify existing businesses.

Strategy: Focus business assistance and economic development efforts in Kane County on retention, expansion, and diversification of existing businesses and industry.

Strategy: Support economic development organizations and workforce providers to ensure that training programs are created and delivered in the marketplace that match the needs of existing and targeted businesses.

Strategy: Support the annual Center for Education, Business and Arts (CEBA) Rural Economic Development Summit in their efforts to educate local citizens, entrepreneurs, and business owners on Kane County's economic development efforts.

Goal #2: Attract or develop new businesses that provide quality jobs.

Strategy: Kane County will coordinate its business recruitment efforts closely with county, regional, state and other economic development organizations.

Strategy: Develop a network of business contacts that can assist in business recruitment.

Strategy: Enhance educational opportunities in Kane County. Encourage and advocate for post-secondary educational opportunities being available, accessible, and affordable.

Kane County's role as a supporting partner to further Economic Development

One of the wonderful aspects of living in rural Utah is the degree to which people reach out and support one another. Kane County will provide leadership through extensive collaboration with others. Kane County will support a wide range of community efforts that contribute to the area's economic growth, and stability, and help it sustain the benefits of a rural way of life. The following list includes examples that may not fit in Kane County's target areas but are important areas where it will play a supportive role:

- Kane County will support the Southwest Applied Technology Center in efforts to establish educational programs for local students, the business community, and anyone seeking to improve their skills or further their education.
- Kane County will support efforts to secure adequate infrastructure for Kane County's future, including but not limited to the Lake Powell Pipeline, extending natural gas to county customers, and making improvements to Internet/Broadband communications.
- Kane County will support the Utah Department of Transportation, and local jurisdictions in the development of highways, roads and streets assuring safe, convenient public travel within Kane County and the surrounding region. This includes adopting and abiding by the Kane County US-89 Corridor Access Management Plan.
- Kane County will support business organizations, (i.e., local area Chambers of Commerce), in efforts to increase membership, develop joint business promotions, offer monthly

programming for meetings, create pro-consumer education programs and develop “buy local” programs.

- Kane County will support local celebrations promoting local arts and culture.
- Kane County will continue to support events held at the North Event Center for major yearly events.
- Kane County will support beneficial land exchanges and uses of SITLA land for responsible development.
- Kane County will support efforts by Utah and Arizona congressional delegations and work with local forest management agencies to increase the number and frequency of timber sales on forests in and around the county.
- Kane County will support efforts by regional elected officials and local industry officials to promote and expand responsible natural resource extraction activities in the county and surrounding region.
- Kane County will support efforts for the development and completion of the Kanab Event Center as a major asset for the City and County to generate year-round activity.
- Kane County will support the multiple-use of the newly removed acreage from the Grand Staircase-Escalante National Monument that is now under the management of the Kanab Field Office; and it will continue to support multiple-use/sustained-yield in the Monument now known as: Grand Staircase and Kaiparowits Units.
- Kane County will support the off-highway vehicle use in the 60-foot buffer zone along the Paria River Corridor between the Grand Staircase and Kaiparowits Units of the Grand Staircase-Escalante National Monument, created by President Trump through Proclamation 9682 on Dec. 4, 2017.

Targeted Economic Development Efforts

Tourism has become Kane County’s local *export economy* providing jobs and supplementing the tax base with little cost to local taxpayers. With Kane County’s strategic location to so many natural wonders—three National Parks, five National Monuments, two State Parks, two National Forests, and one of the nation’s largest National Recreation Areas—it makes sense that we become a magnet for visitors from all over the world.

The local tourism industry also benefits from *volunteer tourism* generated by families who spend their vacation at Best Friends Animal Sanctuary. The international popularity of *The Wave* in the Vermillion Cliffs National Monument makes Kanab a focal point for visitors from all over the world who compete in a lottery for one of 20 permits to hike the renowned geological formation. Many visitors also come to relive southern Utah’s movie history.

It is estimated that each visitor to the area contributes approximately \$130 a day to the local economy. A large percentage of Kane County tourism is based on domestic and international tour bus traffic traveling *The Grand Circle* route. This traffic is less profitable to the local economy, as they typically stay shorter periods and drive down the average daily motel rent. But, it is outweighed by the *Free Independent Traveler*, who stays longer, travels as a family, and spends more money. Local events and activities are also created and supported to retain guests longer and give them a memorable experience.

The *Transient Room Tax* (bed tax of approx. 13%) collected from tourism has become a major contributor to the economy. With the high ratio of hotels/motels to residences, Kane County has been designated as ‘*a resort community*’. This allows the county to retain an extra 6.95% *Resort Tax* in Kanab and Orderville. An additional tax is collected on *prepared food* (Restaurant, TRCC). Kane County supports this including the increase in the construction of resort-type hotels and motels (including cabins) that will accommodate the increase in tourism traffic the county has experienced.

The recent increase in vacation rentals has also contributed to this tax collection. Any residence used as a vacation rental whether full-time or part-time has to pay the TRT and sales tax collected by the state. This has become a significant source of revenue for communities that did not have this stream before.

All the tourism tax revenue is reinvested in marketing to promote the area as a tourism destination, and a large percentage is used to promote cultural and recreational activities, as well as provide funding for infrastructure improvement and development. This revenue has seen a steady increase in the past few years, with very little additional inventory in accommodations.

Goal #1: Support the preparation and execution of a *Tourism Marketing Plan*.

Strategy: With the assistance of qualified professionals, conduct a thorough tourism demographic study that identifies where visitors are coming from, why they are coming to Kane County, how long they stay, and what their expectations are for their visit.

Strategy: Work with branding and marketing professionals to create a style guide for marketing materials. Align Kane County’s branding with the state of Utah’s Office of Tourism in partnership of all promotions.

Strategy: Select a team of creative professionals that can help deploy the *Tourism Marketing Plan*.

Goal #2: Create events that draw visitors to Kane County.

Strategy: Encourage and cooperate with local business organizations and tourist attractions to organize and promote events that draw visitors to Kane County.

Strategy: Aggressively work to improve the experience of those visiting the county by concentrating on efforts to improve the number and quality of special events, activities, and adventures.

Strategy: Provide opportunities for year-round tourism by encouraging and supporting the attraction of conferences, educational retreats, recreational tournaments and museum experiences.

Strategy: Provide opportunities for year-round tourism by collaborating with federal, state, and local government agencies, as well as stakeholders to accommodate year-round recreation in areas traditionally closed, or introduce areas that are not well known or need more development.

Strategy: Assist agencies in increasing the number of permits available to hike special recreation areas and encourage local stakeholders to participate in guide opportunities for the enjoyment and safety of the visiting public.

Goal #3: Invest in local tourism infrastructure.

Strategy: Kane County will support the creation and installation of signage, map kiosks, and other means of identifying areas and features of interest consistent with the desired results targeted in the *Tourism Marketing Plan*.

Strategy: As tourism opportunities expand, the county will strive to assist in the expansion of existing accommodation properties, eating establishments and associated travel-related facilities, and encourage development of new tourism related properties.

Strategy: Kane County will encourage the development of hiking, OHV, 4-wheeling, and multiple-use trails throughout the county, and will assist in securing passage of the trails on government lands. The county will also help with the creation of staging areas for these trails including signage and maps.

Strategy: Develop a multi-year plan for the construction of convention and business retreat facilities with a multi-use plan for local use of structures.

Strategy: Protect livestock grazing rights that would directly affect the American Legend of the “Cowboy” found throughout the Escalante Region Grazing Zone, which is part of the culture and history of Kane County’s *Western Legends*. This cultural legend is one aspect that brings the tourism and movie industries to the county, and helps to fuel the local economy. With livestock grazing being pushed out of the county by federal policies, this cultural icon, so identifiable with the persona of Kane County, is becoming endangered.

Media Development

There have been more than 100 motion pictures filmed in the Kane County area with more Westerns produced in the county than anywhere outside of California. Efforts will be made by Kane County to restore and become a destination for filmmaking and photography. Kane County will pursue and employ new digital media technologies and opportunities benefiting the county's economy.

The American legend of the "Cowboy" is found throughout the Escalante Region Grazing Zone and is part of the culture and history of Kane County's *Western Legends*. This cultural legend is one aspect that brings the tourism and movie industries to the county, and helps fuel the local economy. With livestock grazing being pushed out by federal policies, this cultural icon, so identifiable with the persona of Kane County, is becoming endangered.

Goal #1: Increase the number of filming and photography projects in Kane County.

Strategy: Coordinate with the Kane County Office of Tourism and the Film Commission to develop and distribute promotional material concerning the historical significance, distinct landscape diversity, and ideal locations for filming opportunities within Kane County and the surrounding region. Create an inventory of Kane County and the surrounding region to develop a local resource directory and location library. Include all the information on a website and utilize other tools to promote Kane County as a place for filming and photography.

In partnership with the Kane County Office of Tourism and the Film Commission market Kane County and the surrounding region to movie production companies and other interested groups through the distribution of the documentary "Return to Little Hollywood" and other promotional materials. Contact the Governor, key members of the Utah State Legislature and statewide media to develop support for a proposed State Legislative amendment for increased financial incentives meant to bolster Utah's chances of capturing big budget movies and television series.

Goal #2: Visit existing Kane County digital media firms to assess needs.

Strategy: Use established business visitation tools to meet with film production firms and other digital media businesses in Kane County and the surrounding region. Meet with local businesses engaged in digital media other than filmmaking to assess needs and develop CEBA content.

Goal #3: Develop the capacity of young aspiring filmmakers.

Strategy: Continue to promote the "Southern Utah Student Film Incentive" and development of the "Little Hollywood Shootout."

Goal #4: Facilitate the development of a venue and resources for media creation.

Strategy: Secure public and/or private funding for digital media venue and resources.
Restore and maintain movie sets.

Internet Business Expansion

Most of the communities in Kane County have access to Internet connections equal to what is experienced in major markets. Kane County can stimulate economic growth by doing everything within its power to support the expansion and improvement of the Internet network within the county. Business growth via the Internet has been exponential for years and will continue to see strong growth into the future. Businesses can develop and grow without being positioned near the market it serves. Kane County will encourage the expansion of Internet-based businesses. It will also promote the county as a place where you can have it all - great connectivity, unparalleled scenic surroundings, and varied recreational opportunities all set in a safe and peaceful rural setting.

Goal #1: Help local Internet service providers bring fiber-optic/broadband connectivity to business and home.

Strategy: Assist Internet service providers in receiving help from the State of Utah's Internet initiative support organization. Help Internet service providers in their efforts to obtain access across private and government lands. Help Internet service providers obtain state or federal assistance for expansion of their networks.

Goal #2: Attract and help create online businesses in Kane County.

Strategy: Provide marketing resources for Internet service providers to better educate businesses and residences of Kane County about how they can use their Internet service to create and provide long term employment. Develop a marketing campaign to entice those who already have a functioning online business to move their operations to Kane County. Support and assist educational institutions to create and provide training opportunities that will increase Kane County residence's ability to capitalize on online business opportunities.

Natural Resource-Based Businesses

Goal #1 Increase the frequency and quantity of timber sales.

Strategy: Kane County will be actively involved in the analysis process conducted by the Forest Service and studying the viability of timber sales on the Dixie and Kaibab Forests. Kane County will also support the timber harvesting businesses with

analysis pertaining to timber sales so that the chances of obtaining timber sales increase.

Goal #2 Help make the Alton Coal project a viable long-term employer.

Strategy: Kane County will help influence the timely conclusion of environmental studies by the Bureau of Land Management related to coal development south of Alton. Kane County will provide support to the operators of the Alton Coal Mine in the efforts to educate the public about the impacts of the mine on the land and the surrounding communities. Kane County will assist in bringing together stake holders who have influence on the continued exist of the Alton Coal Mine and its expansion. Kane County will encourage supportive, secondary services that will enable Alton Coal to continue as a viable industry.

Chapter Seven – Affordable Housing

Kane County desires to provide reasonable opportunities to meet the needs of present and future residents in the unincorporated areas of the county. To this end, the county considers the following: a) the existing supply of moderate income housing; b) current residential zoning; and c) infrastructure to encourage the supply and construction of moderate income housing.

Introduction

Utah State Code (Section 17-27a-403(2a)(iii) and (2b)(i) and (ii)) requires counties to propose a plan for moderate-income housing as part of their general plans. *Moderate-income housing* is defined as housing that is affordable to households with gross incomes equal to or less than 80% of the area median income (AMI) of the county. Median incomes are established by the U.S. Department of Housing and Urban Development (HUD) and are based on household size.

The Kane County General Plan focuses on the unincorporated areas of the county. Private land is approximately 249,936 acres or 9.5% of the total land base. Kane County ranks fifth in scarcity of privately owned land at 10.1% and third at the abundance of federal lands (87.5%) amongst the other counties. Less than one percent (0.80%) of county land base is located inside incorporated communities. [See chart at beginning of Plan.]

The five incorporated towns within Kane County have their own General Plans that guide their annual development.

Housing Supply

In 2007, Kane County had a housing inventory of 5,094 units according to the *Bureau of Economic and Business Research*, (BEBR), of which only 3,288 were occupied units. According to this report, new residential construction has remained at relatively stabilized levels since the 1970s. However, from 1994 to 2003 residential construction moved to a new level of approximately 125 units annually. This increase in activity is attributable to the much higher levels of seasonal dwelling units. During much of this period cabins accounted for over 50% of new residential construction.

The next period of high growth began in 2005, when residential construction suddenly exploded, reaching an all-time high of 300 new units. In 2005, building permits were issued for 126 new detached single-family homes, 32 condominiums, 92 cabins, and 46 manufactured homes. In 2006, new residential permits increased another 10% to 332 units as the number of condominiums increased dramatically.

Housing Stock		
Year Home Built	# of Homes	% of Total Homes
Built 2000 or later	892	17.5%

Built 1990 to 1999	1,182	23.2%
Built 1980 to 1989	1,076	21.1%
Built 1970 to 1979	1,141	22.4%
Built 1969 or earlier	803	15.8%
TOTAL	5,094	100.0%

The majority of Kane County's housing stock (84.2%) has been constructed in the last 40 years. According to the U.S. Census Bureau (2005-2009 *American Community Survey*), only 803 housing units were present in Kane County prior to 1970. From 1970-1990 the county saw increases in housing units constructed at levels of 22.2% or 1,133 housing units per decade (average).

According to the same Census there were 654 households (23.8%) that rented in Kane County. This high percentage was partly due to the 2008 Stock Market/Credit Market Crash forcing many with secondary homes to rent them in order to save them. Seasonal homes became year-round rentals, and for at least five years Kane County had the highest percentage of rentals in southern Utah. According to HUD (2011 *Fair Market Rents*) the median cost to rent a two-bedroom unit in the county at that time was approximately \$672. Households earning 80% of AMI were able to afford the rental rates, however, households earning 50% of AMI and less could not.

A new phenomenon emerged in the housing market around 2014 where vacation rentals began to grow in popularity. It became more profitable to rent homes by the night than to rent them by the month. At a high rate both seasonal homes and long-term rentals were converted to short-term rentals depleting the inventory for long-term rentals in general. Even people with single, primary residences have been moving from their homes for approximately six months of the year (living with a relative) to convert their home to a vacation rental in order to have their mortgages paid for the year. This trend has continued at the same time residential construction has increased Kane County reported building permits had doubled by the end of 2017³⁶ and building permits have already doubled as of the first half of 2018 for Kanab City.³⁷ Unfortunately, that has not affected the *available* or *affordable* housing market in the county. In some ways, it has made it worse.

Market prices for a 3 bedroom house averaged \$187,300 in 2016 according to the U.S. Census Bureau.³⁸ In 2018, they range from \$212,000 to \$319,000 depending on age, square footage, size of lot and location.³⁹ There were no long-term rentals available on any of the multiple-listing real estate websites.

Moderate Income Housing

There is a difference between affordable housing and moderate income housing even though the terms are used interchangeably. Moderate income housing is defined under Utah law (Title 10, Chapter 9a, Part 1) as housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households of

³⁶ Kane County Building Inspector, 2017.

³⁷ Documented by Kanab City Land Use Coordinator, June, 2018.

³⁸ U.S. Census Quick Facts, Kane County, Utah <www.census.gov/quickfacts/fact/table/kanecountyutah/AFN120212>

³⁹ Multiple Listings for ERA and Adobe Realty, Kanab, Utah; 8/2/18.

the same size in the county in which the city is located. A percentage of rental units reserved for income-eligible households would fall under this category.

Affordable housing is based on the ratio of a household's cost and its income, which is defined as the gross monthly costs, plus utilities being equal to no more than 30% of the household's income. "A typical renter household in the western U.S. would be considered cost-burdened because they spend 35% of their monthly gross income on gross rent."⁴⁰

In Kane County, the area median income (AMI) is currently considered by the U.S. Census Bureau to be approximately \$50,517.⁴¹ The Census also indicates the average rent is \$911. The 2017 Utah Housing Affordability Assessment indicates the median renter household earns only \$3,021 per month, and can only afford to spend \$906 or less on housing costs. (That would be if there was only one income earner in the home.) The renter household would be cost-burdened if they spent anything over that amount on housing costs.

Utah's Adjusted Median Family Income (AMFI), FY 2017				
% AMFI	Monthly Income	Affordable Rent	Cost Burdened	Severely Cost Burdened
30%	\$1,793	≤\$593	\$539-\$895	\$896
50%	\$2,933	≤\$896	\$897-1,493	\$1,494
80%	\$4,780	≤\$1,434	\$1,435-2,389	\$2,390

2017 Utah Housing Affordability Assessment

If you compare median rents to some occupations and their incomes, the gap between wage earnings and the cost of housing becomes clear. (This information is based on full-time employment and not seasonal or shift work.)

Affordable Rent relative to Median Income*								
Occupations	Ave. Incomes	Monthly Income	Housing Costs	Ave. Rent \$887	0 BR \$550	1 BR \$653	2 BR \$819	3 BR \$1,139
Accommodations & Food Service	\$15,924	\$1,327	\$398	-\$489	-\$421	-\$255	-\$421	-\$741
Arts, Entertainment & Recreation	\$21,696	\$1,808	\$542	-\$345	-\$8	-\$111	-\$277	-\$597
Preschool/Kindergarten Teacher	\$24,804	\$2,067	\$620	-\$267	\$70	-\$33	-\$199	-\$519
Retail Trade	\$26,458	\$2,205	\$661	-\$226	\$111	\$8	-\$158	-\$478
Construction Laborers	\$31,576	\$2,631	\$789	-\$98	\$239	\$136	-\$30	-\$350
Bus Drivers	\$33,204	\$2,767	\$830	-\$57	\$280	\$177	\$11	-\$309
Court, Municipal, Licensed. Clerks	37,755	\$3,146	\$944	\$57	\$394	\$291	\$125	-\$195
Social Workers	42,862	\$3,571	\$1,072	\$185	\$552	\$419	\$253	-\$67

*Table 3 from Utah Affordable Housing Assessment, page 13.

Utah's Affordability Assessment also projected that for Kane County, FY2018, the median monthly income for a renter would be \$3,454; the break out for that shows affordable housing

⁴⁰ 2017 State of Utah Affordable Housing Assessment, Workforce Services, Housing & Community Development.

⁴¹ U.S. Census Quick Facts, Kane County, Utah <www.census.gov/quickfacts/fact/table/kanecountyutah/AFN120212>

costs at \$1,036 (30%), and based on the Fair Market Rent prices of \$898 (2 bedroom) there should be no shortfall. That, of course, is completely dependent on the type of employment the renter has, because the average hourly wage for the county is projected at \$12.59 and the Assessment indicates the wage earner needs \$17.27 per hour to afford a two-bedroom unit. "...the average renter earns less than the necessary wage to afford a two-bedroom apartment at FMR [Fair market Rent] in 27 out of 29 counties."⁴² Rent growth is outpacing income growth.

When it comes to the elderly and the disabled, the challenges become more extreme. Elderly Utahans over the age of 74 cannot typically afford the median gross rent (there is a shortfall) and there is nowhere in the state where a person with a disability can afford the median gross rent.⁴³ The report indicates the same shortfall for veterans, those living in intergenerational poverty and refugees.

The greatest need now and into the foreseeable future is the affordable rental opportunities for households earning less than 30% of area median income. Since approximately 85% of the population base is housed in the incorporated communities, Kane County's participation in meeting the moderate income housing needs within the unincorporated areas of the county is expected to be minor. This is based largely upon the premise that the unincorporated areas of the county cannot be expected to accommodate municipal-scale land uses.

However, it behooves Kane County to prepare and adopt a comprehensive, long range plan that addresses the issue of moderate income housing because the Utah Assessment indicated the trend will only worsen over time and the gap between wages and affordability is going to get bigger. In addition, addressing the concept of moderate income housing is critical to programs and initiatives trying to move people out of homelessness and intergenerational poverty.

Evaluation of Zoning Densities

Kane County offers several zoning districts which provide the opportunity for a mix of housing types. Housing as a permitted use is found within the Residential and Agricultural Zones. Generally the purpose of the residential zone is to provide for residential neighborhoods of a rural character. Zoning densities in the Residential Zone include: ½ acre, 1-acre, 2-acre, and 5-acre; in the agricultural zone the density is 10 acres minimum.

The preceding table illustrates the residential zoning districts found in Kane County and the mix of housing types that are considered either permitted or conditional uses. The Kane County Land Use Ordinance (amended 2018) also provides opportunities for the following housing choices: assisted living buildings; guest homes; mobile home parks; residential facilities for elderly/disabled persons; and second family dwelling for the household of a hired man, seasonal laborer, or members of owner's family.

⁴² 2017 State of Utah Affordable Housing Assessment, Workforce Services, Housing & Community Development.

⁴³ Ibid.

Kane County- Evaluation of Zone				
Use	R- 1/2	R- 1	R- 2	R- 5
Apartment court	-	C	P	P
Apartment room	-	C	P	P
Apartments	-	P	P	P
Condos	-	C	P	P
Duplexes	-	C	P	P
Dwelling Single Family (1 per lot or parcel)	P	P	P	P
Four-plexes	-	C	P	P
Guest Homes	-	P	P	P
Tiny Homes	-	P	P	P
Town Homes	-	C	P	P
Tri-plexes	-	C	P	P
P= Permitted Use, C= Conditional Use				

Source: Kane County Land Use Ordinance, amended 2018.

The above information provides evidence that Kane County's residential zoning districts and Land Use Ordinance provide opportunities for moderate income housing. As such, it would be fair to state that Kane County is achieving success in its efforts to meet the underlying goal of Utah State Code (17-27a-403) as it pertains to moderate income housing, specifically to:

"...facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there, and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life."

In terms of land use and development, Kane County is best portrayed as rural. This being said, the county's zoning and the uses permitted therein are progressive in nature; this provides an increased opportunity to meet the housing needs of all people desiring to live in the county.

Affordable Housing – Goals

Goal #1: Present and future residents to the unincorporated areas of Kane County will be housed in safe, sanitary, and attractive conditions.

Objective: Housing types will reflect the rural, open nature of unincorporated land uses and will enable residents of a wide range of income levels to reside in Kane County.

Policy: Standards for building construction and design (where applicable) will be determined by the Kane County Building Official (applicable building code) and Land Use Ordinance.

Goal #2: Allow for the mix of housing types and respond to emerging housing industry

trends and markets.

Objective: Support a mix of quality housing opportunities to support economic development efforts.

Policy #1: Promote a range of housing types and affordability; particularly rental opportunities for households earning less than 30% of area median income and single-family homeownership opportunities for those at or below area median income levels.

Policy #2 Promote the collaboration of stakeholders from the private sector, non-profit sector and public sector to converge on public and private interests where the promotion of moderate income housing could benefit the communities in the county, including the workforce.

Goal #3: Recognition that unincorporated areas of the County cannot be expected to accommodate or provide municipal-scale services.

Objective: Residential land uses which require large investments in infrastructure such as roads, water, waste disposal, schools, etc., will be encouraged to coordinate their efforts in proximity to adjoining municipalities or special service districts.

Policy: Kane County will not allow development that requires county-financed or maintained services. Landowners who require such services will be required to finance, install and maintain services without expecting or receiving county-provided services. The County will support property owners in their efforts to secure municipal-scale services through municipalities or special service districts.

Appendix One

U.S.C. § 17-27a-403 General Plan

Effective 5/8/2018

17-27a-403 Plan preparation.

(1)(a) The planning commission shall provide notice, as provided in Section 17-27a-203, of its intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for:

- (i) the unincorporated area within the county; or
- (ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.

(c)(i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless it is recommended by the municipal planning commission and adopted by the governing body of the municipality.

(iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous planning district, the plan for the mountainous planning district controls and precedes a municipal plan, if any, to which the property would be subject.

(2)(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan;

(iii) a plan for the development of additional moderate income housing within the unincorporated area of the county or the mountainous planning district, and a plan to provide a realistic opportunity to meet the need for additional moderate income housing; and

(iv) before May 1, 2017, a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3).

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live there; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) shall include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider county general fund subsidies to waive construction related fees that are otherwise generally

- imposed by the county;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Workforce Services.
- (c) In drafting the land use element, the planning commission shall:
- (i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district; and
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
- (a) an environmental element that addresses:
 - (i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation;
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and
 - (g) any other element the county considers appropriate.

Amended by Chapter 218, 2018 General Session